United States Court of Appeals

for the Second Circuit

APPENDIX

74-1550

74-1550

IN THE

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

NO. 74-1550

THE UNITED STATES OF AMERICA,

Plaintiff-Appellee,

-against-

CARMINE TRAMUNTI, et al.,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DEFENDANTS-APPELLANTS' JOINT APPENDIX
Vol. T(3) - Pages 157 to 351

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UNITED STATES OF AMERICA

vs.

CARMINE TRAMUNTI, et al.

New York, January 30, 1974.

Trial resumed.

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(In open court; jury not present.)

THE COURT: I have a message this morning from Mr. Lopez concerning certain complications. Do you have anything to say?

MR. LOPEZ: Yes, your Honor, thank you.

Your Honor, I would like to call the court's attention to certain publicity that has been published in all the New York dailies in the last day or so since we adjourned because of the illness of one of the participants.

Your Honor, I would like to have marked as a court exhibit an article appearing in the Daily News, January 29, 1974, on page 18, which indicates -- the title of it is "Report Lawyer Is Nabbed In Fix."

I will mark all these papers first so then I will refer to them generally, your Honor. Perhaps other

counsel may wish to say something.

I also would like to have marked as Exhibit 1 an article in the Daily News which appeared Wednesday, today, January 30, 1974, and that appeared on page 5, an that is entitled "Nadjari Will Quiz 10 Haunted By A Budd Informer."

I would also like to have marked as Court Exhibit 19 an article which appeared in the New York Pos on page 1 and continued onto page 3, on January 29, 1974 which is entitled on the first page "Probe Brooklyn Judg and on the third page "Probe Judge In Murder Fix."

With the court's permission I would like to have marked as Court's Exhibit 20, your Honor, an article which I don't think we have entered previously, which I do want to make sure that we have it for the record, Court Exhibit 20, an article which appeared in the Sunday News on January 13, 1974, which is entitled "Tremunti Pal Go On Trial As Dope Pushers."

I would also like to mark as Exhibit 21 an article which appeared today, January 30, 1974, in the New York Times, which is entitled "Nadjari Uses Spy In Court Inquiry."

That would be Court Exhibit 21.

Now, several things occur to us.

In the body of these articles, referring to a Brooklyn attorney, your Honor, is the mention, of course, of the Tramunti trial, and, as a matter of fact -- I don't know if your Honor has all these articles -- the name of his Honor is mentioned, the name of Paul Curran is mentioned as United States attorney, and the fact that Nadjari's inquiry pertains to a fixing of a murder case of a known narcotics defendant.

Several things occur to us. We don't know if the sequestered jury is receiving any newspapers which have been previously censored by the marshals, but this is the type of article which might easily be missed by the United States marshal in view of the fact that it relates to a state investigative body, Mr. Nadjari's office.

Further, your Honor, in the event that newspapers have been seen by this sequestered jury regarding this investigation by Nadjari of a Brooklyn lawyer, many of the attorneys here are concerned. First of all, the article taints all of the attorneys here since no specific attorney is named. The jury doesn't know which attorneys are from Brooklyn, doesn't know which attorneys are from elsewhere, and of course this is a major concern.

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The second point that we are very concerned with is the fact that the defendants here are on trial for a narcotics conspiracy, and the articles, all of tha refer to a person whose case a Brooklyn lawyer attempted to fix, who was a known narcotic offender, who was being charged with murder.

This, of course, places each one of the defendants here in a position of jeopardy as far as the jury is concerned, because the jury could easily surmise from this type of article that one of the defendants is the person who is involved in the murder case. So we ar quite concerned as far as that is concerned.

Some of the attorneys here have also expresse the thought to me that because of the relationship of on specific attorney to this inquiry by Nadjari's officer, your Honor, that something perhaps should have been told, and they have asked me to advice them what steps were taken in this matter to protect the defendants as far as this case is concerned.

Now, I know that your Honor made a preliminary inquiry on this matter and expressed his concern to the specific attorney involved. I also can say for the reco that this attorney, pursuant to your Honor's instructions spoke with his client and obtained his consent to continu

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with the trial of this action.

Yet, of course, some of the other attorneys are concerned with this matter. Of course, we are concerned with it because of the fact that we want the triers of the fact to be free from outside publicity. We have no reason to believe that Mr. Curran's office is involved in any of the publicity that has appeared in the newspapers. As a matter of fact, the attorneys feel that Mr. Curran's office is not involved. However, I don't know what Mr. Nadjari's representations were to this Court or to Mr. Curran or to whoever it was, but certainly this type of leak is a deplorable act, your Honor, linking it to the Tramunit investigation. It is a deplorable act because furthermore these articles are an attack upon the judiciary, and of course while The New York Times in its last paragraph correctly states the situation, that the Brooklyn attorney was not cooperating with Mr. Nadjari's office, that there was no judge involved in this matter, I think the record should be made because of the attack on the judiciary which these articles represent.

I don't know if my brother counsel wish to make any points, but I think we should take steps first to inquire of the jury whether each one individually has had access to these articles, has seen these articles. We

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should also hear from the marshals in connection with these articles to see what newspapers the jurors have been reading and if there is a possibility of prejudice which we should guard against.

THE COURT: Does anyone else want to be heard?

MR. SIEGAL: If your Honor please, I think a more serious question than that given by Mr. Lopez is in the beginning of this paragraph, which is scurrilous.

"A lawyer for one of the defendants in a federal trial of 18 persons on narcotic conspiracy charges, including accused dope king, Carmine Tramunti."

Now, anybody who wants to read it and doesn't want to analyze it properly has to infer that I am the lawy because it says "dope king, Carmine Tramunti."

Now, I don't know who put this article in and who is behind it, but I want to say this, and I don't care what the other lawyers are going to say about this -- I want to go on record that I am not the attorney.

THE COURT: All right. Mr. Ellis?

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MR. ELLIS: Your Honor, I join in Mr. Lopez's application that the marshals and the jury be polled to determine whether any of them read these articles.

I think this points up a collateral problem, that is, the danger that the marshals will be either too busy or unable to ferret out these collateral prejudicial materials that might appear in the Press from time to time. A story that is headlined about a matter unrelated to this case and then containing matter in the third or fourth paragraph that might seriously prejudice the objectivity of the jury ought to be filtered by the defense. I think that we should have some opportunity to join in censoring the material made available to the jury and I would like your Honor to allow some member of the defense team to participate in passing on the jury's reading material, and I think we also ought to know, your Honor, whether the jury has television and radio available to it and what if anything is being done to monitor the programs that they watch and listen to.

MR. LOPEZ: Might I just add, your Honor, that your Honor asked me to appoint someone to censor magazines and newspapers and I asked Mr. Ellis if he would do that in behalf of the defense and Mr. Ellis, who now makes the application, your Honor, is the appointed counsel as far

as we are concerned.

THE COURT: You are voluntoering.

MR. ELLIS: Yes, your Honor, provided that we can work out some feasible procedures for doing it.

THE COURT: All right.

MRS. ROSNER: Your Honor, I have an unrelated application.

THE COURT: All right. Let's take care of this one first.

It seems to me relatively clear that nobody bothered to read my order of sequestration. That order provides that the jury can have TV and radio, but it also provides that the TV and radio shows which they can watch are pretty well censored. That's one of the things I do before I get to court.

Secondly, the order provides that the jury can have newspapers, but anything involving any case, not only this case, but any case, is to be removed from the newspapers. I went perhaps farther than normal. I insisted that that go not only for criminal cases but for civil cases.

Now, the marshal has been providing what gets to be a very cut up and thin paper. I guess all that is left is the advertisement for the white sales. But still

he has provided that. I take it back. We also have the Racing Form in the back and I guess somebody wants the Wall Street Journal.

Now, the papers which he has provided, also he has cut out and collected and will be marked as a Court's exhibit at the end of this trial all of the deletions. That is going to be on Court's exhibit. Whatever else is left of the papers is going to be another Court's exhibit.

As of this time I believe that nothing concerning any case, much less anything concerning this case, has been brought to the attention of the jury since they have been sequestered.

Now, Mr. Ellis, I appreciate your volunteering to do the censoring work. It's a chore. I kid thee not about it. I know that you are extremely literate and you enjoy reading, but there are times when it is a chore.

MR. ELLIS: Judge, I appreciate that, both your comment about the literacy and your concern about the chore, but I am also concerned about giving the jury a mutilated cut-up shell of a newspaper, because the could lead the jury to conclude that this case is getting far more widespread attention in the Press than it actually is and it can magnify the importance of what is going on here

beyond the reality.

Judge, just one more thought. Also I think it very important that we do this from day to day and not evaluate that which the jury got at the end of the case.

THE COURT: In other words, Mr.Ellis, you want me to go through these papers and cutouts right now.

MR. ELLIS: No, Judge. As to yesterday, yes, your Honor, and the day before. As to the future, I am perfectly willing todo that and undertake to call the Cour attention to anything that we believe to be deserving of t treatment.

THE COURT: All right. Mrs. Rosner.

MRS. ROSNER: Your Honor, this morning the defendant Inglese is in court. I am informed that last night he was taken to Bellevue and treated there for some hours and then released back to West Street. Since then he has not seen a physician. He informs me that he is not well and does not feel he can participate in these proceedings.

I would ask your Honor either that he at least be examined by Dr. Ruggiero at West Street before we are required to proceed or that an independent physician whom the defense will pay for bepermitted to examine him to determine whether he is fit to stand trial today.

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THE COURT: We have had I believe a fairly complete examination of Mr. Inglese, including X-rays of his skull, just to make sure that his claim of pounding headaches is not a physical thing. I understand that Mr. Inglese is well enough now to continue with the trial.

I also am under the impression that Mr. Inglese's illness may have been self-induced and self-inflicted, and as such I intend to have a hearing about that, but I am going to do it after we get rid of the rest of the trial.

MRS. ROSNER: I am not sure I understand the nature of your Honor's comments, but I am not in possession of any such information. All I am asking for, your Honor, is an examination today to determine what condition he is in today.

THE COURT: My understanding is today he is well enough to go on with the trial and that is what I intend to do.

Is there anything else?

MR. CURRAN: Your Honor, when the witness comes back on the stand, with your Honor's permission, I have three or four, I think, questions I would like to put to the witness before cross.

THE COURT: All right. Bring in the jury.

MR. DOWD: Your Honor, I am sorry. My client isn't here and I want to advise the court. His wife is expecting a child any day now and she has had I think three miscarriages before this and requires Caesarian section. Also, he works nights. So I thin either one of those things, particularly his wife's condition -- she has been in and out of the hospital because she is also diabetic. I will check as soon as I can to find out which of those things caused his absence this morning.

I expect him any time. I have no reason to believe he won't be be here. I talked to him last night. I want to put that on the record.

THE COURT: Mr. Curran.

MR. CURRAN: Your Honor, I assume from Mr. Dowd's statement that the defendant is voluntarily absent, so it is the government's position we can proceed

THE COURT: I would assume so, yes.

MR. DOWD: Yes, your Honor.

THE COURT: All right, fine. Bring in the jury, please.

(Jury present.)

THE COURT: Good morning, ladies and gentlemen. I hope you enjoyed the Hayden Planetarium, those who went, because I got a bill in the mail this morning.

You recall that we last heard from a witness by the name of Primrose Cadman. The witness was sittin up in the witness box here, but because of the physical setup of the courtroom we have placed a chair immediately in front of the witness box. I hope that you will all be able to see Miss Cadman when she returns.

Mr. Curran, do you want to call her.

MR. CURRAN: Primrose Cadman.

Your Honor, may we approach the bench with Mr. Lopez?

THE COURT: Yes.

(At the side bar.)

MR. CURRAN: Your Honor, this arrangement I think is going to be very unwieldy.

THE COURT: I am going to try it out this morning. We may have to change it. I will do my best

MR. CURRAN: She is going to be down low and she is not even going to be facing the jury to speak into

the mike.

I think we are entitled to have the jurors at least look at the witnesses from time to time when we are talking. I don't see how it improves things for the defense particularly.

THE COURT: I am still trying to arrive at some solution to the problem which is caused by our lack of space in this courthouse, particularly in this courtroom. Let me try each thing out step by step. I will do the best I can with the limitations I have.

MR. CURRAN: I would point out that the male witnesses who have any height at all I believe all counsel will be able to see while they are testifying, because their heads are going to be up above.

THE COURT: I am thinking about having the chair and the witness box removed and a podium put in and a chair put back so that everybody can see.

All these things take time.

MR. LOPEZ: Judge Duffy, one thing. Is the next witness that the government intends to call Mr. Stasi?

MR. CURRAN: No.

MR. LOPEZ: Fine. Before Mr. Stasi takes the stand we have an application.

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THE COURT: All right. I assume it wil be later than this afternoon.

(In open court.)

P R I M R O S E C A D M A N resumed.

THE COURT: Miss Cadman, I should refresh your recollection. You were placed under oath the other day. That oath continues. All right?

THE WITNESS: Okay.

DIRECT EXAMINATION CONTINUED

BY MR. CURRAN:

Q Miss Cadman, you testified on Friday last that you cut heroin with milk sugar or quinine. Do you recall that testimony?

A Yes, I do.

Q Did you ever use any other substance to cut heroin?

A Yes.

Q What was that substance?

A Mannite.

Q Miss Cadman, what kind of ladies' clothes, stolen ladies' clothes, did you sell to Gigi in the summer of 1969?

A Pants suits, knit suits with skirts, dresses, day dresses.

Q How did you come to select those clothes?

A Gigi would ask me -- you know, tell me the sizes he wanted and sometimes he would make -- you know, tell me he wanted, you know, like a dress or a suit in certain styles.

MRS. ROSNER: I am sorry, your Honor. I am having some difficulty hearing the witness' answers.

THE COURT: Would you read back, please, Mr. Reporter.

(Answer read.)

MRS. ROSNER: Thank you, Judge.

Q Then did you select the size and styles requested?

A Yes, if I could.

Q And did you then sell them to Gigi?

A Yes.

MR. CURRAN: May this photograph please be marked Government's Exhibit 1 for identification.

(Government's Exhibit 1 was marked for identification.)

Q Miss Cadman, I show you a photograph which has been marked Government's Exhibit 1 for identification and I ask you to look at the photograph and tell me if you recognize the individuals in it. Yes or no.

A Yes.

Q Who are they?

A Gigi and Joe Crow.

MR. CURRAN: I offer the photograph in evidence, your Honor, as Government's Exhibit 1.

THE COURT: Show it to defense counsel first please.

MR. SIEGAL: Objection, if your Honor please. Not binding.

THE COURT: I understand your objection.

Anybody else?

MR. ELLIS: Same objection, your Honor.

THE COURT: Yes, I understand. One objection is enough.

MRS. ROSNER: I object on the ground that there are writings contained on the photograph which are hearsay and should be excluded. Apart from that I have no objection to the photograph.

THE COURT: All right. The objections are overruled. The photograph will be received. The government is instructed, however --

MR. CURRAN: Your Honor, I am just offering the front of the photograph, not the back.

THE COURT: I understand.

MRS. ROSNER: There is also a number on the front to which I object, your Honor.

THE COURT: All right. Let me see the photograph.

The photograph will be received, Government's Exhibit 1. However, the government is requested to produce another copy of Government's Exhibit 1 without numbers or writing and that will be marked 1A and also received in evidence, after I have taken a look at this, being Government's Exhibit 1 and 1A.

MR. CURRAN: I have no further questions, your Honor.

THE COURT: Mrs. Rosner, do you wish to examine?

MRS. ROSNER: Yes, your Honor.

(Government's Exhibit 1 was received in evidence.)

CROSS EXAMINATION

BY MRS. ROSNER:

Q Good morning, Miss Cadman.

A Good morning.

Q Please try to speak up so that people across the room can hear you.

Where are you currently residing?

MR. CURRAN: Objection, your Honor.

THE COURT: Sustained.

MRS. ROSNER: May we approach the bench, your Honor?

(At the side bar.)

THE COURT: After warning you all that I would have no side bar conferences, I have destroyed all my rules.

Go ahead.

MRS. ROSNER: I will try to be brief. The reason for the application is this: I attempted to discover, pre-cross examination, what consideration, if any which would include protective custody, was extended to this woman. Your Honor has indicated that I proceed at my peril. As I understand the Smith case, I am entitled for adequate confrontation purposes to know where the witness lives, where she is employed,

so that I can do investigative work concerning her background and crecibility.

I know nothing about this woman except what has been provided by way of 3500 material, and adequate confrontation requires thorough investigation.

Smith was on all fours. It was failure to provide an address and was held to be reversible error.

MR. CURRAN: Your Honor, this witness is in protective custody. There has been considerable violence in this case, bribery by the very defendant against whom she testified. He stands convicted of that bribery. We submit that this witness' address,who is in protective custody, should not be given to the defendants.

THE COURT: I agree. I don't think you are entitled to the present address, particularly under the circumstances.

MRS. ROSNER: Your Honor, I strenuously object.

THE COURT: I understand. You don't have to strenuously object.

MRS. ROSNER: At the very least we should have been given this information before examination so that this doesn't happen in the presence of the jury.

(In opencourt.)

BY MRS. ROSNER:

Q Miss Cadman, are you currently employed in any lawful fashion?

A No, I am not.

Q When was the last time that you were employed?

A Here in the United States.

Q When was the last time --

THE COURT: I think the question was when, Miss Cadman.

Is thatcorrect?

MRS. ROSNER: Yes, your Honor, I did intend to ask that.

Q When was the last time you were employed, whether here in the United States or some other country?

A I used to work for myself making dresses when I was back in England, in February.

Q And that's February of 1973?

A Yes.

Q And when did you leave England with reference to that date, February, 1973?

A February 7, 1973.

Q And you came back to the United States?

A Yes.

Q And after you arrival in this country did you obtain any lawful employment?

A No, I couldn't.

Q When did you return to England before the events that you have told us about here and prior to the February date when you say you left England again?

A You mean, when did I go back to England after this?

Q Yes.

A I went back in April of '71.

Q And from April of '71 until February of '73 when you left England, did you have any other lawful employment apart from the dressmaking activities that you told the jury about?

A No. Well, I told you I worked for myself.

Q Apart from that, were you employed by any firm?

A No.

Q Or any other business?

A No.

Q Now, since your return to this country, have you been supported or have you received any moneys from the federal government?

A Yes, I have.

Q What amounts of moneys have you received?

A Just enough to live on and pay for my apartment.

Q The government, I take it, then pays your rent

A Yes.

Q And gives you money for food or whatever other necessities you have?

A Yes.

Q And apart from the payment of your monthly rental, can you tell the jury approximately how much you receive in dollars per month?

A About $600 a month.

Q That's apart from your rent?

A No. That's including my rent.

Q That's including your rent?

A Yes.

Q Now, at the present time, as you are testifying now, are there any criminal charges pending against you in any court, state or federal?

MR. CURRAN: Objection, your Honor.

THE COURT: Read the question.

(Question read.)

THE COURT: Sustained.

Q Miss Cadman, in return for your testimony here in court, in your ownmind, do you expect some aid or

assistance from the federal government in connection with a criminal charge pending against you?

A Not really, no.

Q Have you had any discussions with any member of the federal government, a U. S. attorney, an agent or anyone else, concerning aid of any kind which might be given to you in connection with a criminal charge pending against you?

A I asked if I would be deported. I really think that I will be deported because of this. I told that I had, you know, a case against me. They didn't know about it.

MRS. ROSNER: I most --

A They said --

MRS. ROSNER: Excuse me, Miss Cadman.

I most respectfully --

MR. CURRAN: Your Honor, the witness is in the middle of an answer.

MRS. ROSNER: I would like to object to a portion of it. I would like to move to strike the portion of the witness' answer "They didn't know about it."

I have no objection to the remaining portions of the answer.

THE COURT: You asked about conversations, and I believe the witness is relating to conversations. I will let it stand the way it is.

MR. CURRAN: Your Honor, might the witness hear back the portion of the answer that she has given in the light of the colloquy?

THE COURT: Yes, and let's have the witness finish the answer.

Go ahead.

A When I first came --

THE COURT: Hold on, Miss Cadman. Let the reporter read it back and you can find out where you were.

(Record read.)

THE COURT: Go ahead, Miss Cadman.

A They said that I would have to face, you know, the charges from the case that I have got against me after this is finished.

Q Where -- by that I mean in what court -- is this charge pending against you?

A City or state.

Q And what is the charge against you?

A Grand larceny.

Q What are you charged with having stolen?

A An amount of ladies' clothes.

Q From a department store?

A Yes.

Q And when is this alleged to have taken place, in fact?

A On two occasions in July of '69, early July.

Q When were those charges brought against you?

A I have warrants out on it.

Q When were you arrested for the thefts which the State of New York says took place in 1969?

A I was arrested in July for it.

Q In July of 1969?

A Yes.

Q And you were admitted to bail on those charges, were you not?

A Yes.

Q Now, you indicated that you left the United States in 1971, I believe?

A Yes.

Q And when you left the United States, you became a fugitive, did you not, from those charges? Did you not?

A Yes.

Q You jumped bail. What was the amount of bail that you had posted?

A I can't remember.

Q When you returned to the United States, in early 1973, who paid for your transportation back to this country?

A The U. S. Government, although I offered to pay it myself.

Q You didn't intend to return to this country, did you, Miss Cadman? You didn't want to?

A I was asked to come over in reference to this case and I said yes, I would.

Q And you knew that by returning to this country you faced prosecution not only for the grand larcenies charged against you in 1969 but for the bail jumping, which is a separate and distinct offence, isn't that right?

A Yes.

Q Since you returned to this country you haven't --

MRS. ROSNER: Withdrawn.

Q Since you have returned to this country you have been supported in your stay here by the federal government, is that right?

A It was only because the Customs took my work permit away from me.

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Q You asked the government to arrange to get a work permit?

A They said, no, I couldn't.

Q Have you made any appearances in State Court?

MR. CURRAN: I object to that.

THE COURT: I don't know what the relevance of that is.

MRS. ROSNER: If I may put the question, I think it may become apparent.

Q Do you know whether the government has arranged for you not to have to appear in State Court --

A No.

Q -- to face the charges on which you jumped bail in 1971?

A No, but I was told I would have to face them.

Q You fully expect, do you not, that when and if you return to State Court, after having jumped bail, a very high bail if any --

MR. CURRAN: I object to it, your Honor. There is no evidence concerning that at all.

THE COURT: Sustained. There is no importance in the amount of bail in this question.

MRS. ROSNER: If I may put the question in another form, your Honor, I think I may be able to obviate

the objection.

Q In your own mind, Miss Cadman, you fully expec do you not, that without the aid and assistance of the Federal Government, when you return to State Court a very high bail, if any, will be posted because of the fact tha you jumped bail and left the country?

MR. CURRAN: Objection, your Honor.

THE COURT: I am not sure I understand the question.

MRS. ROSNER: I will try to put it in a more intelligible form. I am sorry, your Honor.

THE COURT: All right.

Q In your own mind, Miss Cadman, you feel, do you not, that the authorities, the New York State procesuting authorities, are less than happy with the fact that you jumped bail and left the country?

MR. CURRAN: Objection, your Honor.

THE COURT: No.

Go ahead, Miss Cadman. Do you think the State of New York is happy about your jumping bail?

THE WITNESS: I can't hear you too good. Could you repeat the question?

THE COURT: Read the question. Not my questio Mrs. Rosner's question.

(Question read.)

A Yes. They are less than happy.

Q And the Federal Government has told you that you do eventually have to go back to court to face those charges; isn't that right;

A A detective told me that I would have to.

Q But in the year that you have been back in this country, ornearly a year, you have notyet gone to State Court; isn't that right?

A There's a reason for that. They couldn't find the warrants on me. I told them, just after I got here, about the warrants, and they took -- they couldn't find them, even though they were looking for them, because they kept asking me and asking me,you know, do I remember what days --

THE COURT: All right. Miss Cadman, please don't volunteer.

THE WITNESS: I'm sorry.

Q Miss Cadman, eventually, when you go back to State Court to face these grand larceny charges,you expect, do you not, that the prosecutor is going to ask for a very substantial bail to be fixed on you?

MR. CURRAN: I object, your Honor.

THE COURT: I don't know where it's going. I don't know what her expectations might be.

MRS. ROSNER: That is what I am asking, your Honor.

THE COURT: I will let her answer.

Go ahead and answer it, Miss Cadman.

A I don't know.

Q Don't you think that they are going to try to make sure that you don't leave the country again?

MR. CURRAN: I object to the form of that question, your Honor.

THE COURT: I will permit it.

Go ahead. Answer it.

A I have no idea.

Q Miss Cadman, do you have any assets, apart fro the money that the Federal Government has given you, with which to post a sale?

MR. CURRAN: I object, your Honor.

THE COURT: Sustained.

Q Apart from the charges that you have told us about, are there any other charges pending against you in any other court, State or Federal, in this country?

A No.

Q Now, I believe that you indicated to us on Fri that it had been some three years since you last used heroin; is that correct?

A That's correct.

Q Did you cease using heroin before you left the United States or after your return to England?

A Before I left.

Q And at that time were you on any kind of maintenance program involving the use of any other drug?

A I was in a program, yes, up to the time I left.

Q And when you returned to England, were you similarly on some kind of program involving a heroin substitute, such as methadone?

A Yes.

Q And are you still on such a program?

A No.

Q Now, heroin is not the only drug which you used; is that correct?

A That's correct.

Q You frequently used cocaine, did you not?

A Yes.

Q And you used various types of pills; isn't that right?

A No.

Q You never experimented with any kind of pills?

A At one time yes, but not at this time.

Q And when was that time?

A Well, when I was younger. I tried LSD a coupl of times in 1968, but I didn't like it, so I never bother with it again.

Q What other drugs have you used?

A I smoked marijuana.

Q Anything else?

A No.

Q Now, you indicated that you met Mr. Inglese --

MRS.ROSNER: Withdrawn.

Q By the way, Miss Cadman, when you came into court on Friday and Mr. Curran was questioning you, at one point he asked you whether you saw Mr. Inglese or the person you knew as Gigi in the courtroom. Do you recollect that?

A Yes.

Q And do you also recollect that you stood up and immediately looked to your right? Do you recollect that?

A To -- yes.

Q Just answer my question, please.

A Yes.

Q Had you been told prior to walking into the courtroom on Friday in which portion of the courtroom Mr. Inglese was sitting?

A No.

Q Prior to testifying here on Friday, you had been shown a photograph of Mr. Inglese, hadn't you?

A I was asked to identify it.

Q You were shown his picture, were you not?

A Asked to identify it, yes.

Q And you did?

A Yes.

Q And prior to testifying here on Friday, you rehearsed what you were going to say, and by that I mean

you went through question-and-answer sessions with Mr. Curran, exactly the way you did hear on the witness sta isn't that right?

A Yes.

Q On several occasions; isn't that right?

A Yes.

Q Those questions were not surprises to you, w they, Miss Cadman?

A I just tried to remember, you know, to keep mind the parts I remembered best, you know.

Q Now, you indicated that you met Mr. Inglese approximately Christmas of 1968; is that right?

A I did at first, yes.

Q At the time you met him, you were already add to heroin; isn't that right?

A That's right.

Q And in fact, hadn't you become addicted to he because of someone who was a very close friend of yours?

A I tried it before, but I wasn't addicted.

Q Let me put a different question.

In late 1967 or early 1968 you met an individu named Louis Oliveras; isn't that right?

A Yes.

Q And he himself was a heroin addict when you him; isn't that correct?

A I found out later that he was.

Q He was your boy friend, wasn't he?

A Yes.

Q You had a very close relationship with him; is that right?

A Yes.

Q You knew he was an addict?

A At first I didn't. When I first met him, I didn't know he was an addict.

Q It was through your relationship to Mr. Oliveras that you yourself became addicted to heroin; isn't that right?

A Well, he didn't force me to take it.

4A

Q Was it during the period of your relationship to him, Mr. Oliveras, that you became addicted to heroin?

A Yes.

Q And in fact didn't it happen during the summer of 1968, when you were staying at a resort with him up-State New York?

A Yes.

Q It's a fact, is it not, that Mr. Oliveras used to purchase the drugs which you and he used together, isn't that right?

A Yes.

Q So that you yourself wouldn't have to go into the street to purchase them, isn't that correct?

A That's right.

Q And in return you went to the stores and stole the clothes to provide the money to buy the drugs, isn't that right?

A Not at that time, no.

Q When did your activities stealing clothes begin?

A Early in the year of 1969.

Q Miss Cadman, when you went into a department store to steal clothes you had to appear to the store personnel, to the security guards whom you knew were present there, to be engaged in perfectly lawful activities, isn't that

right?

A Yes.

Q You had to appear to be an ordinary shopper, not a thief, isn't that right?

A Yes.

Q And you developed a facility for deceiving the people employed in the stores, isn't that right?

MR. CURRAN: Objection, your Honor.

THE COURT: It is argumentative.

Q After you had been engaged for a while in stealing clothes as you have described, you were able to do this without appearing on the surface to be nervous or upset by what you were doing, isn't that right?

MR. CURRAN: Objection, your Honor. That is the same question. Same ruling.

Q Let me ask you this, Miss Cadman: you were successful on innumerable occasions in going into a department store and walking out with hundreds of dollars worth of clothes without being detected, isn't that right?

A Yes.

Q You indicated that you were selling women's clothes to Mr. Inglese which he would sometimes order by specific size or style, isn't that right?

A Yes.

Q And you were selling them to him for one-half of the price marked on the sales ticket, isn't that right?

A Yes.

Q And your understanding was, was it not, that these garments were not for his personal use or his wife's use, but were for resale, isn't that right?

A No.

Q Do I understand your testimony to be then that Mr. Inglese was ordering these clothes for his wife or -- let me withdraw that.

What did he tell you with respect to what he was doing with these clothes?

A I asked him on one occasion what did he want all the clothes for and he said it was for his wife and his family.

Q And you indicated, did you not, that you saw him for a period of perhaps two or three months nearly every day when you were selling him clothes, isn't that right?

A Yes.

Q And he purchased quantities of clothing every day which usually on the average cost several hundred dollars isn't that right?

A All together, yes.

Q Did he tell you how many daughters he had?

A No.

Q You indicated, did you not, when you testified here Friday that there came a time shortly after you met Mr. Inglese when you attempted to borrow money from him? Do you recollect that?

A Yes.

Q And you told the jury that you had asked him for $20, isn't that right?

A Yes.

Q You indicated that in the course of this conversation you revealed to him that you were in fact a heroin addict?

A Yes.

Q And he offered to give you a quantity of drugs instead of the $20, isn't that right?

A Yes.

Q And you then told the jury, did you not, that you received a tinfoil packet approximately 2 inches by 2 inches -- I am sorry -- a cellophane packet approximately 2 inches by 2 inches that contained what you believed to be a quantity of heroin, isn't that right?

A Yes.

Q Do you remember how much was in that bag?

A It was about -- at that time they used to sell

it in $2 bags. It was about a spoon's worth or, you know, 15 $2 bags.

Q You say it contained approximately a spoon's worth of drugs and that was 15 bags, is that right?

A Approximately.

Q A bag, by the way, is a bag what is known in street jargon as a nickel bag?

A That's a $5 bag.

Q These weren't $5 bags, these were $2 bags?

A These were deuce bags, as they call them in the street.

Q You told the jury that you developed a pattern of selling clothes to Mr. Inglese in return for some money and some narcotics, isn't that right?

A Yes.

Q And this went on over a period of approximately two months, correct?

A Approximately, yes.

Q You saw him almost every day, did you not?

A Almost.

Q Except Sunday, when the stores were closed, right?

A Right.

Q On these occasions you received heroin from him

you say almost everytime you saw him, isn't that right?

A No, not almost every time.

Q How often?

A Maybe a couple of times a week.

Q A couple of times a week would be how many, two or three times?

A Well, it depended, you know, whether I got half an ounce of heroin or an ounce.

Q Miss Cadman, can you estimate for the jury on approximately how many occasions over this two-month period you received narcotics from Mr. Inglese?

A Nine or ten.

Q In total nine or ten times?

A Yes.

Q That is your best recollection as you sit here now?

A That's my best recollection, yes.

Q You testified before a federal grand jury, did you not? Withdrawn.

By the way, the quality of narcotics that he sold you, were they drugs that you cut after receiving them?

A No, it was already cut.

Q How many single doses of narcotics would be contained in an ounce of heroin?

A I couldn't tell you that offhand. It's been qui a time since I used it, you know.

Q You don't remember any more?

A How many --

Q When you got an ounce of heroin from Mr. Inglese how long did it last you?

A Well, there was two of us using it.

Q How long did it last?

A I can't remember.

Q You testified before a federal grand jury concerning the things that you told this jury about, isn't that right?

A Yes.

Q And you gave that testimony on April 11, 1973, did you not?

A Yes.

Q On that occasion,at page 7, do you recollect being asked these questions and making these answers:

"Did you continue to sell clothing to Inglese for approximately two months on a regular basis?

"A Yes.

"Q Approximately how often during this two-month period would you see Inglese for the purpose of selling him clothing?

"A Nearly every night.

"Q And on these occasions did you generally receive heroin at least in part for the clothing from Inglese with the balance in cash?

"A Yes.

"Q And would you generally receive on these occasions approximately one ounce of heroin?

"A Yes.

"Q That's each time?

"A Yes.

"Q And for the most part you and Louis Oliveras would use this heroin yourselves?

"A Yes."

You recollect being asked those questions and making those answers?

A Yes.

Q You told the grand jury, did you not, that on the six days a week when you claim you saw Mr. Inglese he gave you either a half-ounce or an ounce of heroin on every occasion, didn't he?

MR. CURRAN: I object to that, your Honor.

THE COURT: The form, Mrs.Rosner, is improper.

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Q By the way, an ounce of heroin six days a week for two months would be approximately two kilograms of heroin, wouldn't it, Miss Cadman?

MR. CURRAN: Objection, your Honor.

THE COURT: Sustained.

MRS. ROSNER: Will the court take judicial notice of the fact that approximately 25 --

THE COURT: A kilogram is 2.2 pounds. All right? You can work out the number of ounces yourself.

MR. ROSNER: Thank you, Judge.

Q You told the federal grand jury, did you not, that over this two-month period you received approximately a kilogram of heroin within which you and Mr. Oliveras used for your own personal drug addiction, isn't that right?

MR. CURRAN: Objection, your Honor.

THE COURT: Sustained.

Q In what month did you cease selling Mr. Inglese these stolen clothes?

A Around July.

Q What happened, Miss Cadman? Did he tell you he couldn't use any more?

A Yes.

Q Do you recollect on Friday telling the jury about the very first occasion when you received any narcotics from Mr. Inglese?

A Yes, I do.

Q Correct me if I am wrong. I think you told the jury that this was the time that you went in to borrow the money and Mr. Inglese offered you heroin instead and a person known to you as Joe Crow delivered a package of heroin to you; do you recollect that?

A Yes.

Q And you then told the jury that Joe Crow asked you when you came back on the next occasion to tell him how the stuff was. You recollect that?

A Yes.

Q And when you came back you told him it was nice, to use your word, isn't that right?

A Yes.

Q Do you recollect some time after your return to this country in 1973 you were interviewed by an assistant United States attorney bythe name of Gerald Feffer?

A Yes.

Q And Mr. Feffer went over with you the various things which you told the jury here, isn't that right?

A Yes.

Q And he took notes, did he not, while you were speaking to him?

A Yes.

Q And you related this incident to Mr. Feffer also about receiving the narcotics instead of the $20 that you had sought as a loan, isn't that right?

A Yes.

Q Do you remember telling Mr. Feffer that on that very first occasion when you received drugs from Mr. Ingles it wasn't Mr. Delvecchio who asked you to tell him how the stuff was, it was Mr. Inglese? Do you recollect that?

MR. CURRAN: I object to the form of that question, your Honor.

THE COURT: Yes. The form is I think improper.

MRS. ROSNER: I will rephrase it.

THE COURT: Hold on before you go any further, Mrs. Rosner. I don't know if you are close to finishing or not.

MRS. ROSNER: I will be only a moment, Judge.

THE COURT: Only a moment.

THE COURT: All right. I think that some of your co-counsel and some other folks would like to take a break.

MRS. ROSNER: I will be just a moment, Judge.

THE COURT: All right.

BY MRS. ROSNER:

Q Did you tell Mr. Feffer that it was Mr. Inglese who asked you how the narcotics were or to tell him how the narcotics were, not Joe Crow?

A Well, Joe Crow said it and as I was going out --

MRS. ROSNER: Your Honor, I would ask the court to direct the witness to respond to the question.

THE COURT: Miss Cadman, do you recall whether or not you told Assistant United States Attorney Feffer -- what is the rest of your question?

THE WITNESS: Yes, yes.

THE COURT: Who did you say asked you about the quality of the drugs?

Mrs. Rosner, you want to phrase it?

MRS. ROSNER: Perhaps, your Honor, if the reporter read the question back that would be the simplest way.

THE COURT: Yes.

(Question read.)

A Yes.

Q You remember very distinctly, do you not, that on this first occasion you went back to 1721 Lexington Avenue and shot these drugs and got high from them, isn't that right?

A Yes.

Q And the drugs were good drugs, isn't that right?

A They were okay, yes.

Q You remember that, do you not?

A Yes.

Q Did you tell Mr. Feffer when he interviewed you that when you went back to Diane's and saw Mr. Inglese you told him the stuff wasn't so good?

A I can't remember.

Q Let me show you what has been marked 3503. I will direct your attention to the underlined and bracket portion.

Look at that and see if it refreshes your recollection as to whether you told Mr. Inglese that the drugs were nice or not nice.

MR. CURRAN: I am going to object to that question, your Honor.

THE COURT: All right. Let me see 3503.

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MRS. ROSNER: Your Honor, the portion is indicated by an arrow.

THE COURT: All right. I will permit it.

Could I have a copy of 3503? In fact, why don't you give me all the 3500 material.

MR. CURRAN: That is 1, 2 and 3, your Honor, in that order, I believe.

Q The question, Miss Cadman, is whether you will look at that, at the portion indicated by an arrow, and see if it refreshes your recollection as to whether you told Mr. Feffer that when you returned to Diane's Bar you told Mr. Inglese that the drugs were "not so good."

A I might have told him, yes.

Q And at that time you had a distinct recollection that when you shot the drugs they weren't so good, isn't that right?

A I guess so.

Q You don't remember?

A I remember telling him that -- you know, what is written down there.

MRS. ROSNER: Your Honor, having gone longer than I expected, perhaps we might break at this point.

MR. CURRAN: Your Honor, I have I think two

questions on redirect.

THE COURT: All right. We will all be back here.

MR. CURRAN: All right, sir.

THE COURT: Ladies and gentlemen of the jury, please go with the marshal. Do not discuss the case. The usual warning to you. By this point you ought to memorize it.

Everybody else will remain seated until the jury leaves the room.

(The jury left the courtroom.)

THE COURT: All right, Miss Cadman. Go back to the witness room.

(The witness left the courtroom.)

THE COURT: I understand the necessity for counsel to consult with their clients and among themselves, but it is getting a little difficult. It is quite loud. I don't know if it affects everybody else, but it comes up here on the bench like a thundering roar. I would appreciate it if you would keep it down as much as possible. All right, gentlemen. Ten minutes.

MR. PHILLIPS: Your Honor, before the break the government would request that with respect to 3500

material, when it is referred to, that the court instruct the jury under United States vs. Gardin that the 3500 material is material that has been turned over by the government to defense counsel. I believe we have a copy of the opinion in that case in the courtroom if we can give it to your Honor.

MRS. ROSNER: I would object to that, your Honor, unless the instruction includes the fact that it is turned over under compulsion of law.

THE COURT: Let me read the opinion.

(Recess.)

(Jury present.)

THE COURT: All right, Mrs. Rosner.

BY MRS. ROSNER:

Q Miss Cadman, going back for a moment to the first occasion when you say you received heroin from Mr. Inglese, you told the jury a moment ago that you received the equipvalent of one spoon or 15 bags, isn't that right?

A Yes.

Q Now, you told the grand jury on April 11th about that same spoon of heroin, did you not?

A Yes.

Q At page 5. Do you recollect being asked this question and making this answer:

"Q Did the glassine envelope that you received contain the equivalent of approximately one spoon or 30 bags of heroin?

"A Yes"?

A I was answering to the first part of the question.

Q You didn't tell the person questioning you that one spoon equaled 15 bags, did you, Miss Cadman?

MR. CURRAN: Objection, your Honor.

THE COURT: No, I will permit it.

In the grand jury, did you tell the person who was asking the questions that one spoon equalled 15 bags?

MRS. ROSNER: Thirty bags, your Honor.

THE COURT: Thirty bags.

THE WITNESS: Yes, I did.

Q You were asked that question and you answered yes, did you not?

A Yes.

Q What were they, 60-cent bags, Miss Cadman?

A No.

Q In fact, Miss Cadman, there is no such thing as a $2 bag, is there?

A There was at that time.

Q There were nickel bags, aren't there, Miss Cadman?

A There are nickle bags, yes.

Q Now, you say that you left England to come back to this country in February of '73, is that right?

A Yes.

Q Before leaving England, were you contacted there by some agent of the federal government?

A Yes.

Q And did they come to where you lived?

A No, they didn't.

Q Where were you when you first spoke with some agent of the federal government?

MR. CURRAN: Objection, your Honor.

THE COURT: No, I will permit it.

A When I first talked to a federal agent in London at the American Embassy.

Q You weren't passing the time of day at the American Embassy, were you, Miss Cadman?

MR. CURRAN: I object, your Honor.

THE COURT: I will sustain it.

Q You were there because you were told that you were going to be extradited, isn't that right?

A What do you mean by extradited?

Q Brought back to this country by force to face the charges pending against you.

A No. I told you before, they didn't know about it.

Q Were you asked to appear at the American Embassy by some agent of the federal government?

A No.

Q Were you at the American Embassy in connection with your bail jumping and grand larceny charge pending against you?

A No, I wasn't.

Q Now, when in point of time do you put this?

A Very late in January of '73.

Q By the way, Miss Cadman, are there any criminal charges pending against you in England?

A No.

Q Have there ever been?

A No.

Q I am sorry. Your answer was late January of '73?

A Yes. Very late January. In the last week.

Q Now, when you first spoke with this agent of the federal government, did he tell you that you could be extradited back to the United States?

A No, he didn't.

Q Now, Miss Cadman, you told us earlier that you expected at the very lease to be deported as a result of the charges pending against you in state court, isn't that right?

MR. CURRAN: I object to the form of that question, your Honor.

MRS. ROSNER: I am sorry, your Honor. I will rephrase it.

Q Did you tell the jury this morning that you

expected to be deported from this country?

A Yes, I did.

Q Because of the charges pending against you in state court?

A Yes.

Q And you expect to be deported without ever serving a day in jail for those charges, isn't that right, Miss Cadman?

A No, not really.

Q Have you retained a lawyer to represent you in connection with your state cases, Miss Cadman?

A No.

Q You have dealt with the state prosecuting authorities only through the federal government, isn't that right?

A I don't know what you mean.

Q Well, your representative in connection with those charges has been some agent of the federal government, isn't that right?

MR. CURRAN: Well, now, I object to that, your Honor.

THE COURT: I will sustain the objection.

Q It is a fact, is it not, that you do not have a lawyer of your own representing you, someone you have

retained to represent you in connection with those state charges?

MR. CURRAN: Objection, your Honor.

THE COURT: I think it's already been answered.

Q Miss Cadman, have you any idea what penalties you are facing for the crimes of grand larceny on two occasions and for the additional crime of bail jumping?

A I suppose it will be jail and deportation.

Q Have you ever asked anyone?

A No.

Q Aren't you interested?

A Well, I am guilty of doing it, because as I said here --

Q Aren't you interested in how much time your being guilty could get you?

A Not really, because if you go to jail, you go to jail.

Q Not really, because you don't thinkyou are going to jail, do you, Miss Cadman?

A I think I will, yes.

Q But you don't care for how long?

THE COURT: No. Don't answer that.

Q Now, Miss Cadman, you have indicated that the government is presently paying you approximately $600 a

month, is that right?

A Yes.

Q Now they have been paying you the whole year that you have been in this country, isn't that right?

A Yes.

Q And you fully expect, do you not, that the government is going to continue to payyou after you finish your testimony here, isn't that right?

A I have no idea.

Q You have never discussed it with anyone?

A No.

Q And you feel in your own mind, do you not, Miss Cadman, that the better your story is for the government, the surer you are of getting continued payments every month, isn't that right?

A No.

Q You don't think that?

A No.

MRS. ROSNER: I have no other questions, your Honor.

THE COURT: All right, Mr. Curran.

REDIRECT EXAMINATION

BY MR. CURRAN:

Q Miss Cadman, you testified on cross examination

about something called $2 bags?

A Yes.

Q Were there such items of heroin in 1969, to your knowledge?

A Yes. They were called deuce bags on the street.

Q Juice bags?

A Deuce bags.

Q Now, Miss Cadman, did you voluntarily return from England to the United States forcibly or were you extradited?

A No, I came back of my own free will.

RECROSS EXAMINATION

BY MR. SIEGAL:

Q Miss Cadman, did you ever earn over $600 by your own work in a month?

MR. CURRAN: I object to that.

THE COURT: I willsustain the objection.

Anybody else?

All right, Miss Cadman.

(Witness excused.)

MR. PHILLIPS: The government calls Sergeant Martin O'Boyle.

MARTIN O'BOYLE, called as a witness by the government, being first duly sworn, testified as follows:

MR. PHILLIPS: May I proceed, your Honor?

THE COURT: Yes, Mr. Phillips. You may proceed.

DIRECT EXAMINATION

BY MR. PHILLIPS:

Q Sergeant, there's a microphone on the table in front of you. Will you speak into it.

Will you tell us by whom you are employed?

A By the New York City Police Department.

Q And I take it your rank is sergeant, is that correct?

A That's correct.

Q How long have you been a sergeant in the New York City Police Department?

A Since September, 1971.

Q And how long have you been with the New York City Police Department, all told?

A Approximately 12 years.

Q Sergeant O'Boyle, what is your specific assignment with the New York City Police Department?

A I am supervisor in the Major Investigations

Section of the Narcotics Division.

Q That used to be known as SIU?

A That's correct.

Q What does SIU stand for?

A Special Investigating Unit.

Q Now, did you participate in the arrest of a man by the name of Frank Stasi?

A I did.

5B

Q When did that arrest take place?

A May 22, 1973.

Q Would you tell us where it took place?

A Yes. On Williamsbridge Road, near Chesbrough Avenue, in the Bronx.

Q How far from 1651 Williamsbridge Road did the arrest take place?

A Approximately three or four blocks.

Q Did you see Mr. Stasi enter or leave 1651 Williamsbridge Road on that day?

A I did.

Q Did you see him leave that address?

A I did.

Q And was it after he left the address that he was placed under arrest?

A That's correct.

Q Was he driving his car? Was he walking -- or wh was he doing?

A He was driving southbound on Williamsbridge Road and I directed him to stop his car.

Q After he stopped his car, did you or anybody in your presence have occasion to open the trunk of his car?

A Yes. I requested Mr. Stasi to open the trunk, which he did.

Q Did you see what was inside the trunk of his car?

A Yes; I did.

Q Could you tell us what you observed?

A I observed a large, round cardboard box inside the trunk.

Q Did you see what was inside the box?

A Yes. I opened the box.

Q And what did you observe inside the box?

A I observed a number of smaller boxes that were labeled "Mannite." I also observed a mask and a scale, a weighing scale.

Q Were there other items in the box, to your knowledge, that you did not observe?

A Yes. There were other articles underneath that I was unable to observe.

Q And was Stasi at that time taken into custody?

A Yes; he was.

Q Was he transported somewhere in downtown Manhattan?

A He was.

Q Do you know where he was transported?

A I believe he was transported to the building

located at 26 Federal Plaza.

Q At some time thereafter did Stasi agree to cooperate with you and your people?

A He did.

Q Was that the same day or the next day or when?

A That was the same day.

Q Was the box and its contents returned to Stasi as a result of his agreeing to cooperate?

A It was.

Q When was the next time you saw this box and its contents?

A On July 10, 1973.

Q Where was that?

A At Mr. Stasi's residence.

Q Where is that located?

A 1113 Vincent Avenue, in the Bronx.

Q What had occurred in the meantime with respect to Mr. Stasi?

A Mr. Stasi had served 45 days of a 60-day sentence at Riker's Island.

Q Was it a 60-day sentence or a 90-day sentence that he served 45 days under?

A I believe it might have been a 90-day sentence.

Q And do you know what the charge was?

A Yes. He was convicted of obstructing governmental administration.

Q Now, on July 10, 1973, what happened to the box and its contents?

A Police Officer McCarthy removed the box at my direction from 1113 Vincent Avenue, and it was taken to an undercover apartment in Bronx County.

Q Did you see what was in the box on that occasion, that is, at Mr. Stasi's apartment, on July 10?

A Not at Mr. Stasi's apartment, but at the undercover apartment, I did.

Q And could you tell us in detail for us what was in the box at that time?

A Yes. The box contained 160 boxes labeled "Mannite," contained a mask, contained a sealing machine; it contained three strainers; it contained --

THE COURT: I am sorry. It contained --

THE WITNESS: Strainers.

THE COURT: Strainers?

THE WITNESS: Strainers.

A (Continuing) It contained three strainers. It contained two scales, weighing scales, and one or two other, miscellaneous items.

Q Were there any playing cards?

A Yes; there was.

Q What size were the playing cards?

A Very large cards.

Q That is, larger than the usual playing card si

A Yes, sir.

Q Were these items, the box and the items inside it, removed by McCarthy to the police lab on July 10th or 11th?

A Yes, they were.

Q Which day? Do you recall?

A Yes. The morning of the 11th.

Q When Mr. Stasi was taken to 26 Federal Plaza, was he taken to the office of Frank Rogers?

A I believe he was.

Q And who is Frank Rogers?

A He heads the narcotics prosecutors in this Stat

MR. PHILLIPS: Thank you. I have no further questions.

Your Honor, may we approach the side bar?

(At the side bar.)

MR. PHILLIPS: I would just like to mark the 3500 material, your Honor.

May Government's Exhibit 3504 be marked for identification. It is the report of Sergeant O'Boyle of

May 23, 1973.

May the report of Sergeant O'Boyle dated July 10, 1973, be marked as Government's Exhibit 3505.

May the report of July 11, 1973, of Sergeant O'Boyle be marked Government's Exhibit 3506 for identification.

MR. LOPEZ: Your Honor, with regard to the order in which defense counsel will cross-examine, is the Court going to follow a certain order, calling each one individually, so that the record reflects that each counsel had an opportunity to cross-examine, or are we going to be left to ourselves to cross-examine in order by raising our hands? Exactly what procedure are we going to follow? On the first witness, naturally we knew in advance that it was Mrs. Rosner who was going to examine, but some of defense counsel have asked me that. Do they have to make a specific request or what? How are we going to handle this matter?

THE COURT: I think we should go in the same order as the indictment. If you want me to ask you each, I will.

MR. SIEGAL: I think you should ask and not direct attention to whom you thought should cross-examine.

THE COURT: Oh, no.

MR. LOPEZ: In the case of the last witness,

I think it was Mrs. Rosner whom you indicated would examine. Can we get on the record each attorney --

THE COURT: I will call on each attorney who is sitting at the tables.

MR. LOPEZ: That would be the better practice.

MR. PHILLIPS: Yes. We would agree, your Honor.

(In open court.)

SA

THE COURT: Mr. Siegal, do you wish to examine?

MR. SIEGAL: Yes, sir.

CROSS EXAMINATION

BY MR. SIEGAL:

Q Sergeant O'Boyle, where did you see Stasi for the first time on that date that you are talking about?

THE COURT: I am sorry, Mr. Siegal. I think there are three dates that were mentioned.

Q Where did you first see Frank Stasi on the date that you saw him with the box leaving 1651 Williamsbridge Road?

A I first saw him on the Bruckner Expressway Service Road near East Tremont Avenue.

Q And did you at some time see Stasi leave his residence at 1113 Vincent Avenue?

A I did.

Q When you refer to the name of Boob are you talking about Stasi?

MR. PHILLIPS: Objection, your Honor. I don't think he referred to Boob on direct examination.

THE COURT: I didn't hear such testimony.

Q However, you saw Stasi leave 1113 Vincent Avenue is that correct, at about 1450 hours, 1405 hours of that date, is that correct?

A Yes, I saw him leave his residence on that date.

Q When you saw him leave that residence did he have anything in his hand that you could see?

A Not that I could see.

Q Did you follow him that day to 1651 Williamsbridge Road in the Bronx?

A I did.

Q And did you see Stasi enter the building of 1651 Williamsbridge Road?

A Yes, I did.

Q And did you see him come out of the building?

A Yes, I did.

Q How long after he had gone into the building?

A Approximately 10 minutes.

Q When he came out of 1651 Williamsbridge Road was he carrying a box, a large cardboard box?

A Yes, he was.

Q And did you tell us that you saw him place that large cardboard box in front of a car? Is that right?

A Yes.

Q And then did you follow Stasi for a way?

A Yes, I did.

Q How far did you follow him?

A A number of blocks.

Q This that you are now describing took place on May 22, 1973. is that correct?

A That's correct.

Q Did there come a time on that date that you looked into the large cardboard box?

A That's correct.

Q What did you find in that large cardboard box on May 22, 1973?

A I didn't disturb the contents of the box. I saw what was in the top of the box.

Q Did you find in that box four cases of mannite, 48 boxes per case?

A Not at that particular time.

Q When did you find four cases of mannite containi 48 boxes to the case?

A On July 10, 1973, I discovered that the box contained four large cases of mannite, 40 boxes to the case.

Q That was July 10?

A That's correct.

Q Did you not look into the large cardboard box on May 22 or May 23, 1973?

A . I looked into the box on that date, yes.

Q And did you not on that day see four cases of mannite, 48 boxes per case?

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A No, I did not see that quantity.

Q Sergeant O'Boyle, are you familiar with this report? I am addressing my attention to 3504. Would you please look at it, on the second page, the top of the page.

A Yes, I am familiar with this report.

Q When did you see that report for the first time?

A I believe that was on May 23, 1973.

Q Do you notice on that report that you saw on May 23, 1973, that it refers to four boxes?

A The report refers to four boxes, yes.

Q Each containing 48 boxes to a case, is that it, or cases to a box? Which way is it?

A It says boxes per case.

Q So that you have 192 boxes, is that correct?

A According to his report, yes.

Q That report is accurate, is it not?

A I don't know.

Q Isn't it an official report of your Police Department?

A It's an official report, yes, sir.

Q Do you disagree with any of the contents of this report?

MR. PHILLIPS: Objection, your Honor.

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Q With respect to the number of boxes and cases?

MR. PHILLIPS: Objection.

THE COURT: I will sustain it. You are going to have to reframe it.

Q At any rate, there were 192 boxes on May 23, 1973, is that correct?

MR. PHILLIPS: Objection.

THE COURT: If the witness knows.

A I don't know.

Q You saw that in the report, though?

MR. PHILLIPS: Objection, your Honor.

THE COURT: We still don't have --

MR. SIEGAL: May I ask this question. I will withdraw the other one.

Q Do you disagree with the statement in the report which you are familiar with that in that large cardboard box which was found in the trunk were four cases of mannite, 48 boxes per case?

MR. PHILLIPS: Your Honor, this question was just asked and we objected and it was sustained. We object again.

THE COURT: No, I will permit it this time. Go ahead. Answer the question.

A I have no direct knowledge as to the exact quant

of mannite that was found on that date.

Q Were you present when an inventory was taken at 26 Federal Plaza?

A No, sir.

Q By the way, what is 26 Federal Plaza?

A The State prosecutor, narcotics prosecutor, has office space in 26 Federal Plaza.

Q And Mr. Stasi after being arrested was taken to 26 Federal Plaza, was he not?

A I understand that he was, yes.

Q You told us that on July 10 you had occasion to look at the contents of the box, is that correct?

A That is correct.

Q On May 23, after Stasi had been arrested and the box was taken away from him, a box was returned tohim, is that correct?

A That's what I was told.

Q Do you know of your own knowledge how many of those boxes of mannite were returned to him on May 23?

A I have no personal knowledge as to the amount that was returned.

Q You weren't present at the time the inventory was taken, is that correct?

A That's correct.

Q You do know, however, do you not, that on that same day of May 23 the box was returned to him with some of the contents, is that right?

A Yes, I was told that.

Q With some of the contents, correct?

A I was told that the box and its contents were returned.

MR. SIEGAL: No further questions.

THE COURT: Mrs. Rosner.

MRS. ROSNER: Your Honor, may we approach the side bar before I begin my questioning?

THE COURT: Sure.

(At the side bar.)

MRS. ROSNER: Your Honor, the 3500 material, which does not have an exhibit number yet, so I can't refer to it as such, but it's a complaint follow-up report of Sergeant O'Boyle which we received after the witness finish his direct, contains reference to the fact that fingerprint analyses were performed on the material seized on July 10, 1973.

We made requests pretrial for all scientific analyses pursuant to Rule 16 and did not receive these analyses. Before beginning I would ask what these analyses were.

MR. PHILLIPS: I indicated well prior to the trial that fingerprint tests that were performed were negative and that there were no fingerprints of any individuals that were ascertained and that the government would be using at trial.

MRS. ROSNER: Were Gigi Inglese's fingerprints submitted to the lab for comparison with any prints which might have been lifted from the seized paraphernalia?

MR. PHILLIPS: The answer to that I do not know. This is the first time such a request is made.

MRS. ROSNER: Your Honor, that is not correct. A request for all fingerprint analyses was made before trial, as is always done. There have been several instances of fingerprint analyses which counsel have not gotten. We requested this material and by the government's failure to turn it over we assumed there were no such.

Before examining I would ask Mr. Phillips to make an inquiry to determine whether my client's fingerprints were submitted for comparison.

THE COURT: Let me ask you a question. Do you know if Mr. Inglese's fingerprints are contained in the Bureau of Criminal Identification of the City of New York?

MRS. ROSNER: Yes, your Honor, he has a yellow

sheet.

THE COURT: So what submission needs to be made at this point?

MRS. ROSNER: I want to know if the government sent his prints to the lab. They wouldn't just go throu everybody's yellow sheet in the City of New York. They send certain prints for comparison to see if these prints are on ths seized paraphernalia. That is what they do.

THE COURT: That is not my understanding of what they do.

MRS. ROSNER: Mr. Phillips can tell us what they do. Can we ask Mr. Phillips if that was done in this case?

MR. PHILLIPS: I don't know the answer to that question. This is the first time a request was made as to whether anybody's prints were submitted forcomparison.

Counsel were well aware that therewere these boxes and that these items themselves were taken to the policelab.

MRS. ROSNER: That is not correct. We just got this report this morning, Mr. Phillips.

MR. PHILLIPS: You got a chemist's report way back in December, 1973, December 20, 1973.

THE COURT: This is getting into needless argument. It's now 12.15. Do you intend to examine this

witness, Mrs. Rosner?

MRS. ROSNER: Only on this point, your Honor, only to establish the lack of my client's fingerprints, if that is the case.

THE COURT: Then we will go to the next one.

MR. LOPEZ: Your Honor, I have a suggestion. I am not going to ask this witness any questions, but it may be necessary to examine Sergeant O'Boyle again after Frank Stasi takes the stand.

My suggestion is this: perhaps in the interim Mr. Phillips can make the inquiry. I think that certain statements that Frank Stasi made were made to Sergeant O'Boyle. It may be necessary to recall Sergeant O'Boyle. At that time we can go into this matter and this question on cross can be reserved for that time. That is a suggestion.

THE COURT: I would guess that Sergeant O'Boyle is not going to leave the country.

MRS. ROSNER: Your Honor, may I ask that the government turn over all written reports concerning fingerprint analyses conducted in this case so that we don't have this problem in the future. This is going to come up on several occasions.

THE COURT: To show you negative fingerprints?

MRS. ROSNER: Yes, Judge. It's very important to me to establish that my client's prints were not on this

paraphernalia.

MR. PHILLIPS: It's very simple for Mrs. Rosn to ask this witness whether Mr. --

MRS. ROSNER: Mr. Phillips, I don't intend to proceed at my peril. I want to know if they were submitte prior to trial and I want to know now.

THE COURT: Can you find out?

MR. PHILLIPS: Yes, sir.

THE COURT: Do it.

You are not going to examine the witness at thi time, Mr. Lopez, is that correct?

MR. LOPEZ: No, sir.

MRS. ROSNER: Thank you, Judge.

(In open court.)

MRS. ROSNER: Your Honor, I have no questions a this time.

THE COURT: Mr. Lopez, I understand you have no questions at this time, is that correct?

MR. LOPEZ: No, not at this time, your Honor.

THE COURT: Mr. Rosenbaum?

MR.FISHER: Your Honor, excuse me. I think you skipped me.

THE COURT: I didn't skip you. I just have a li up here.

MR. FISHER: I am third on the indictment, your Honor.

THE COURT: All right. Do you have any questions? I am just trying to do it down the line as you are seated there.

MR. FISHER: Yes, your Honor.

THE COURT: All right. Mr.Fisher.

MR. FISHER: I wouldn't make such a big ds-turbance in the absence of any questions.

CROSS EXAMINATION

BY MR. FISHER:

Q Sergeant O'Boyle, prior to your arrest of Mr. Stasi you were told, were you not, to effect the arrest as inconspicuously as possible?

A That's correct.

Q At the time of the arrest, nevertheless, you asked him to open his trunk, is that right?

A That's right.

Q That was for the purpose of being able to examine the contents of the black box, is that right?

A The brown box, yes.

AQ The brown box. But in view of the fact that you wished your procedures there to be as inconspicuous as possible, you didn't conduct a very thorough examination of the contents of the box, is that right? A That's correct.

Q And the reason that you were trying to be so inconspicuous was that this arrest was being effected for the purpose of having Stasi ultimately cooperate, isn't that right?

A Stasi was placed under arrest because he was in violation of law at that point.

Q Mr. O'Boyle, the reason the arrest was conducted in such a way as it was on the 22nd was because people in your task force and Mr. Rogers had decided it would be a wonderful thing if Frank Stasi cooperated, isn't that right?

MR. PHILLIPS: Objection to the form, your Honor.

THE COURT: See if you can reframe it.

Q Let me ask you this, Mr. O'Boyle: is it normal procedure to take someone arrested in the course of a narcotics investigation immediately and directly to Frank Rogers' office? Do you normally do that?

A Occasionally we do this.

Q Normally, sir?

THE COURT: No, occasionally. He has already said occasionally.

Q Mr. Frank Rogers was right there waiting and expecting the arrival of Frank Stasi, wasn't he?

A I have no knowledge of this.

Q You didn't participate in the "debriefing" of Mr. Stasi?

MR. PHILLIPS: Objection, your Honor.

THE COURT: No.

THE COURT: He just said he has no knowledge of it. The question is a little bit argumentative.

Q May I show you what has been marked as Exhibit 3504. I ask you whether or not your signature appears subscribed at the bottom of that document.

A Yes, my signature is on this document.

Q And that document is a report of investigation and observations, is it not?

A Yes, it is.

Q That report indicates that Stasi was debriefed, does it not -- withdrawn -- that Stasi was interviewed?

MR. PHILLIPS: Objection, your Honor.

THE COURT: I will let him answer the question.

A Yes, the report indicates that.

Q You have some knowledge of the fact, do you not, that Mr. Stasi was taken to Federal Plaza and interviewed by Frank Rogers, isn't that right?

A I was told this, yes.

Q You were also told that when you arrested Stasi to make sure that no one else was around in the vicinity of the arrest, isn't that right?

A No, I was not.

Q You weren't told that? You are certain of that, sir?

A I was not told to be sure that nobody else was around in the vicinity of the arrest.

Q Were you told, sir, prior to arresting Stasi that it was the hope of Frank Rogers and/or others in his organization to have Stasi agree to cooperate immediately that day with the authorities?

A I might have been told this. I don't remembe specifically if I was.

Q Stasi was taken into your custody at the time of his arrest, correct?

A That's correct.

Q How long a ride was it to Federal Plaza from the point of the arrest?

A Approximately 14 miles, possibly.

Q In terms of time, sir, how long a trip was it?

A Thirty to 45 minutes, possibly.

Q In those 30 to 45 minutes of your custody of Stasi he did not agree to cooperate, is that correct?

A He was not in my custody at thawttime.

Q Were you with him?

A No, sir.

Q Who was, if you know?

A Lieutenant John Whalen.

Q Without reference to 1500 hours, or whatever it is, tell us in laymen's time terms when it was that he was arrested.

A At 2:40, according to this report.

Q 2:40 in the afternoon?

A That's correct.

Q When was it that Stasi was ultimately released?

A At approximately midnight on that same day.

Q At the point of his release, so far as you know, he had decided to cooperate?

A As far as I know, yes.

Q The report on page 2 of 3504 indicates a list of contents found in the brown box, is that right?

A Yes, that's right.

Q And that list, as Mr. Siegal questioned you, contains reference to a quantity of mannite, is that correct?

A That's correct.

Q Then in a later one-sentence paragraph the report, which you signed, refers to the fact that Stasi was released with the box and all of the contents listed above, is that right?

A Yes, according to this report.

Q So Stasi was released and allowed to return with whatever it was he was arrested with, is that right?

A That's correct.

MR. FISHER: No further questions.

THE COURT: Mr. Ellis?

MR. ELLIS: I have no questions, your Honor.

THE COURT: Mr. Rosenberg?

MR. ROSENBERG: No questions.

THE COURT: Mr. Warner?

MR. WARNER: I have a couple of questions.

CROSS EXAMINATION

BY MR. WARNER:

Q Sergeant O'Boyle, was it your testimony that you opened the cardboard box on May 22nd in the trunk of Stasi's car?

A Yes, sir, I testified to that.

Q What observations did you make at that time concerning the mannite that you saw?

A I noticed that the large cardboard box contained smaller boxes which were marked mannite.

Q Did you see at that time how many boxes there were?

A No, sir.

Q Were the boxes separate or were they in cases?

A They appeared to be in cases?

Q Did you see how many cases there were?

A No, sir.

Q Did it ever happen at any time on May 22nd or on May 23rd thatyou were able to determine how many cases or how many boxes of mannite there were?

A No.

Q Did there come a time on May 23rd, Sergeant, when you signed a report that has been referred to as 3504 concerning that paraphernalia and that mannite?

A I signed a report that was submitted to me by an investigator.

Q Did that report state that there were four cases of mannite with 48 boxes in each case.

MR. PHILLIPS: Objection, your Honor.

THE COURT: I will permit it.

A Yes, according to the report.

Q Did you know that to be a fact?

A No, sir.

Q Did you sign the report anyway?

A Yes, sir.

Q Did you make any effort to check on whether that was a fact?

A No, sir.

Q In the ordinary course of your procedures, sergeant, do you sign reports where you haven't made any investigation of the statement in those reports?

A I sign all reports submitted to me --

Q Yes or no, sergeant.

A Yes, I do sign reports.

Q Is that the answer to my question, yes?

A Would you repeat the question?

MR. WARNER: Your Honor, can the reporter read it back?

THE COURT: Go ahead.

(Question read.)

A Yes, I do.

Q Sergeant, do you know if there were any fingerprint analyses made of the boxes of mannite that were in that box on May 22nd?

MR. WARNER: Withdrawn. I just want to clarify that question.

Q Do you know if there were any fingerprints made on May 22nd or on May 23rd of the boxes of mannite?

THE COURT: Hold on. When you see the question in black and white you will wish you had rephrased it.

MR. WARNER: That sometimes happens, your Honor.

THE COURT: All right. Do you want to reframe it?

MR. WARNER: I will stick to my first question, if I can, your Honor.

THE COURT: All right. What you are talking about then is not whether fingerprints have been made on May 22nd and 23rd, I assume, but fingerprint analyses.

MR. WARNER: I thought I had said that, your Honor.

THE COURT: No, no. That is why I warned you about it.

Do you know if any fingerprint analyses were made on May 22nd or May 23rd, I believe the question was.

A Yes. One of the officers in my team requested that fingerprint analysis be made of the box.

Q What is the name of that officer, sergeant?

A I believe it was Police Officer McCarthy or possibly Siebold, Police Officer Siebold.

Q Do you know if those tests were conducted?

A I don't know.

MR. WARNER: Your Honor, at this time I would ask the government --

THE COURT: You have an application to make.

MR. WARNER: Yes, I do.

THE COURT: All right. It's a perfect time. As you know, we adjourn at 12:30.

Marshal, please escort the juryout for lunch.

Even if I don't tell you, ladies and gentlemen, don't talk about the case.

(The jury left the courtroom.)

THE COURT: Counsel, what is your application?

MR. WARNER: Your Honor, we were supposed to be supplied with all fingerprint tests concerning the paraphernalia that was taken from Mr. Stasi. I remember we had a discussion --

THE COURT: I don't think you were supposed to be supplied with all fingerprint tests. If the fingerprint test proves negative what good is the test?

MR. WARNER: Your Honor, as I recall the point being made -- I think it was made by me last week -- I had requested the fingerprint analyses test results, whether they were negative or positive, and the government indicated they would supply them.

THE COURT: I don't remember it.

MR. WARNER: In any case, I think it would be appropriate if they are supplied. Although we have gotten some 3500 material which refers to the paraphernalia and refers in certain ways to the tests, there are no reports concerning those tests, and I would ask that they be produced.

THE COURT: Mr. Phillips, do you have any tests?

MR. PHILLIPS: I have already submitted the scientific reports or results that were made with respect to the items that Sergeant O'Boyle has been testifying about. I submitted these on December 20, 1973, when I submitted other scientific reports regarding the analysis of various items of cocaine and heroin that the government intended to introduce.

THE COURT: You say they have already been turned over.

MR. PHILLIPS: Yes.

MR. WARNER: I don't believe that is true, your Honor.

MR. PHILLIPS: The question at that time, which was a discovery session with defense counsel, arose as to whether or not there were any fingerprint tes that were made, and my recollection is that I indicated that all fingerprint tests were negative, which means that there were no fingerprints, latent fingerprints, fou on any of the items which were examined for latent fingerprints.

So the question of whether there was a compari- son of fingerprints of any of the defendants with any fingerprints taken off the material is academic or did not exist because there were no fingerprints that were taken off the material.

MR. WARNER: Your Honor, the fact is that in the transcript of tape 412 on page 6, I think it is, a voice that is speaking to Mr. Stasi, whom I don't identify at this time --

THE COURT: What transcript?

MR. WARNER: The transcript of tape or cassette 412, your Honor. Ofcourse, the government has a copy. I thought your Honor also had copies of all transcripts that were made.

THE COURT: No, no. I am continually surprised. Will someone please make available a copy.

All right. Go ahead.

MR. WARNER: In any case, there is a transcript, your Honor. Actually, I am sure Mrs. Rosner could hand it up to the court.

THE COURT: I don't need it right now.

MR. WARNER: On page 6 of that transcript a voice which is speaking to Mr. Stasi says something to the effect of "Frank, how come your prints were found all over this box?"

I recognize in the course of these tapes that voice has said many things which are questionable as to truthfulness, but the fact is it was said and I think the government has to account for it in some way. If there are negative test results I think they should be supplied as well.

It is not for the government to try to determine whether a negative result or positive result is going to be helpful to the defense.

THE COURT: I hear your application. I assume everybody else joins in it.

Is that correct?

MR. LOPEZ: Yes.

THE COURT: Fine. I will think about it over lunch.

Anything else?

All right. Be back at 2 o'clock.

(Luncheon recess.)

AFTERNOON SESSION

(2:00 p.m.)

(Jury not present.)

THE COURT: Mr. Lopez, I understand you have an application.

MR. LOPEZ: Yes, your Honor.

Your Honor, over the last week we have been given additional tapes by the government in connection with a witness that is very likely hopefully to take the stand for the government in due time. That witness, of course, is Frank Stasi.

Your Honor, we have received today additional tapes this morning -- or this afternoon, rather, on this witness Frank Stasi. All these tapes are being cleaned, being transcribed, and copies are being provided for the government. However, I would like to point out on behalf of all the defendants that because of the time element and because of the time that these tapes have been delivered over to us we have as yet not been able to prepare all the transcripts for ourselves, for the government and for the court. Therefore, as far as Frank Stasi is concerned, the defendants will not be able to cross examine this witness until such time, your Honor, as those tapes are available to us for proper cross

examination and inquiry.

As far as Frank Stasi is concerned, your Honor, we therefore would request that he not take the stand until Monday so that at least by that time we will be reasonably sure that we will have the transcripts and the proper material, 3500 material, upon which to cross examine him.

THE COURT: I assume you are going to ask also to have Saturday off?

MR. LOPEZ: Yes, of course.

THE COURT: Don't be so "of course" about it.

MR. LOPEZ: This is our request, your Honor.

THE COURT: I don't know what the order of the government witnesses might be. Is it intended to call Mr. Stasi?

MR. PHILLIPS: Yes, it is, your Honor. The government intends to call Mr. Stasi immediately after Sergeant O'Boyle.

I would point out that the tapes that Mr. Lopez makes reference to are tapes that your Honor directed me to make copies of on Monday, which I immediately did. They are tapes which I discovered over the weekend; technically they are 3500 material because they in one or several instances relate to Stasi's direct examination.

However, I would point out that as to the other tapes which we turned over last week, counsel have made transcripts of them and they were prepared and made last weekend and at their request the government is in the process of making Xerox copies of those transcripts. The machine broke down, which holds us up, but we are doing that across the street. Some of the transcripts have been trnascribed, so there is plenty of material for defense counsel to cross examine Mr. Stasi on at this point and has been in their hands for some time.

MRS. ROSNER: Your Honor, Mr. Phillips has made one mistake, I am sure inadvertently. Counsel has delivered to the defense 10 tape recordings which constitute 3500 material for the witness Stasi. We are awaiting transcripts on five of them and haven't gotten them. In addition, of course, we only have one Xerox of one tape.

THE COURT: One Xerox of one transcript?

MRS. ROSNER: Yes, your Honor, and we have two tapes now which haven't gone out for transcribing. We have been waiting for five, your Honor, of the batch that we are supposed to get and because of this I employed Adler Reporting Service on Park Row, and they worked 24 hours a day, including weekends, and

of course at increased rates and cost to the defendant.

We have tried every way to get this material prepared and there's simply no way to cross examine this witness before the transcripts are prepared, your Honor.

THE COURT: All right. I will consider that.

MR. WARNER: Your Honor, just to add one note of concreteness, which is really implicit in all the things that were said before, I have had an opportunity to listen to all of the tapes and I can say very definitely, it is not just a matter of conjecture there are many, many items on those tapes which must be transcribed, rather than just the conjecture of saying they are 3500 material and may be useful. There's no question on behalf of my client that they are very useful.

THE COURT: All right. I understand the problem. We will continue along until such time as Mr. Stasi does take the stand and testifies on direct. His cross examination -- well, I will have to see what happens at that point. As I indicated before, you folks are a littleahead of me. Some of you, if not all of you, have heard the tapes and seen the transcripts. I have neither heard the tapes nor seen the transcripts.

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MR. ELLIS: Your Honor, I wonder whether the Court has had an opportunity to examine the newspapers that were in the possession of the jury yesterday and today.

THE COURT: No; I did not.

MRS. ROSNER: Your Honor, I forgot one thing: when we were in chambers on Monday, the government indicat that they had turned over for the Court's inspection two tape recordings of telephone conversations between Stasi his daughter which they contend are not 3500 material. I think we also ought to have a ruling on that, your Hono so we can know what is yet to be transcribed.

THE COURT: Well, how can we? I don't know what Stasi is going to testify to on direct. If he starts tal about telephone calls that he had with his daughter, that a different thing. I want to hear what he's got to say first.

MRS. ROSNER: I would suggest, Judge, that as a additional standard, if there is any conversation on the tapes relating to the fact of Stasi's cooperation or Stasi own narcotics activities, that those are certainly sign-posts in the matter of the proffer of the 3500 material.

MR. ELLIS: Your Honor, I would suggest that 3500 material is any statement of a witness -- and I don't

think we should be limited --

THE COURT: Unfortunately, Mr. Ellis, the people who drafted 3500 did not take that view.

All right. Are we ready?

MR. FISHER: Your Honor, might I inquire of the government, through the Court, whether or not it has had an opportunity to review the transcripts that the defense had prepared with regard to the Stasi tapes, whether or not it agrees that those are accurate transcriptions.

THE COURT: Again, the transcripts are out being Xeroxed, and they haven't had an opportunity. Am I correct, Mr. Phillips?

MR. PHILLIPS: Your Honor, I have looked at some of the transcripts, and for the most part they are accurate. There are some instances where they are not accurate.

I don't think that this is a matter where we have to sit down, counsel for the government and counsel for the defense, and work out an accurate transcript, because these transcripts are not being given to the jury to follow along with a tape recording.

THE COURT: Hopefully that can be done in time.

MR. WARNER: Your Honor, to add something to what I said before, Mr. Phillips indicated that he had already given out information about these fingerprint tests, and

I indicated that I didn't think that was a fact, and I checked my notes, and I discover that there is one report concerning July 10, 1973, and on this police report it says that a chemical analysis and a fingerprint test is requested.

That's the sum total of information that has been given to the defense regarding the box of paraphernali

THE COURT: Mr. Phillips?

MR. PHILLIPS: Your Honor, the matter came up at the pretrial conference, and I asked Mr. Fisher if he recalled it, because he was the one who asked about it, and he did, and that was the question of whether or not there were any fingerprint examinations that the government intended to use, and I said all fingerprint examinations, which consist of examinations for latent fingerprints, turned out to be negative, which means, quite simply, that the examinations did not find any fingerprints on the items which were examined, and that was the representation the government made at that time to the defense counsel.

MR. FISHER: Your Honor, I agree that that is the statement that was made, and I think the record should also reflect the government is representing that there are no other reports regarding fingerprint evidence in this case, negative orpositive, other than thatwhich has already

been turned over; is that correct, Mr. Phillips?

MR. PHILLIPS: That's correct.

THE COURT: All right. So everything has been turned over; is that right?

MR. PHILLIPS: Yes, sir.

THE COURT: All right. That makes it easier for me.

MR. LOPEZ: I am sorry, Judge. I just want to see if I understand the Court's decision as far as Frank Stasi is concerned.

Your Honor has not yet made any ruling until the present witness who is on the stand, Sergeant O'Boyle, terminates. At that time, your Honor will make a ruling --

THE COURT: No. After Stasi's direct is finished, I will make a ruling.

MR. LOPEZ: Well, the problem with that is that it may be three days, three or four days, until we are able to cross-examine Frank Stasi, and I think that a hiatus of that period should not be allowed to continue until we get an opportunity to challenge his assertions on direct examination, otherwise his statements on direct examination will remain and will not be able to be rubbed off by any cross-examination that the defense can carry out.

What I request, Judge Duffy, is that Frank Stasi

not take the stand until such time as the defense is in ful possession of all 3500 material so that we can properly cross-examine him, not piecemeal but proper cross-examination, whichdoes not mean for us to have five transcripts, cross-examine him on five transcripts, and then find out that there are ten others which might take our cross-examination another route.

MR. PHILLIPS: Your Honor, if your Honor wants to hear from the government --

THE COURT: Sure, go ahead.

MR. PHILLIPS: I can only repeat what I have said before, and that is counsel have been given material which they are not entitled to by statute until the close of the direct examination of the witness at least in some instances two and three weeks in advance of his appearing as a witness.

THE COURT: All right.

MR. SIEGAL: Your Honor, can we get some idea of how long the government's direct examination of Stasi will take?

THE COURT: That is almost like asking for a prophesy.

MR. SIEGAL: It's not a prophesy. We have to guide ourselves.

THE COURT: They can make a guesstimate, but it's not going to be binding. You want them to make a guesstimate?

MR. PHILLIPS: Your Honor,it's difficult to make an estimate as to how Mr. Stasi's direct examination will take.

THE COURT: I am well aware of that.

MR. PHILLIPS: It's going to be lengthy. I can

say that.

THE COURT: It is going to be lengthy. All right.

MR. SIEGAL: Judge, instead of creating this hiatus, why can't we have the United States Attorney put on a couple of short witnesses to fill the next two days.

THE COURT: Because the rule of the Court, at least as far as I am concerned, is everybody tries his own case.

All right. Bring back the jury.

While the jury is still out, Mr. Ellis, would you be good enough to contact Mr. Frank Juliano some time during the break this afternoon. Mr. Juliano is from the marshal's office. He is the coordinator.

MR. ELLIS: Yes, Judge, of course.

(Jury present.)

M A R T I N O ' B O Y L E, resumed.

THE COURT: Sergeant, you recall you were sworn in this morning. That oath that you took still applies now.

THE WITNESS: Yes, sir.

THE COURT: All right, counsel.

CROSS EXAMINATION CONTINUED

BY MR. WARNER:

Q Sergeant, when we were speaking last you indicated

that Officer McCarthy had directed the taking of fingerprint tests, is that correct?

A Yes, sir, that's correct.

Q Do you know when those fingerprint tests were taken, if at all?

A No, I don't know the exact date they were taken.

Q But do you know that they were taken, sir?

A I recall that we received a negative report and that would indicate that they were taken, that they were attempted to be taken.

Q Sergeant, on July 10 Frank Stasi was taken into custody, is that correct?

A Yes, sir, he was taken into protective custody.

Q Were you there?

A Yes, I was.

Q Was the box of mannite and other items that were referred to earlier taken from him at that time?

A This was removed from his apartment at that time, yes.

Q Did you have an opportunity to view that box?

A Yes, I did.

Q And its contents?

A Later that date I did view its contents.

Q On July 10?

A On July 10.

Q Was mannite found in the box at that time, when you looked at it?

A I saw boxes that were labeled mannite at that tim yes.

Q Do you recall how much, how many boxes?

A No, I can't -- it was 160 boxes of -- individual boxes of mannite found in the larger brown cardboard box at that time.

Q Did you open those boxes?

A No, sir.

Q Did you ever check to determine whether they contained mannite?

A No, I did not.

Q So actually you don't know whether they had manni in them or not, is that correct?

A That's correct.

Q The same thing is true of the boxes that you found on May 22, is that correct?

A That's correct.

Q You didn't look into them and you do not know for sure?

A That's correct.

Q Sergeant, were you able to determine whether the

boxes that you found on July 10 were the same boxes that were found on May 22 or were some mixture of the same boxes and new boxes or were all new boxes? Were you able to tell any of those things?

A All I could tell was that they appeared to be the same boxes that were found on May 22.

Q Did you make any marks on the boxes that were found on May 22?

A I didn't make any marks on the boxes that were found on May 22.

Q Do you know of any identifying marks that were made?

A No, I do not know.

Q So you don't know whether the boxes on July 10 were new boxes or old boxes of the boxes labeled mannite, is that correct?

MR. PHILLIPS: Objection. I think it has been asked and answered.

THE COURT: I will permit it. Go ahead.

A No, I do not know.

MR. WARNER: I have no further questions.

THE COURT: Mr. Richman, do you have any questions?

MR. KESHNER: No questions.

THE COURT: Mr. Richman, I think you changed.

Mr. Dowd?

MR. SCHWARTZ: On behalf of Mr. Dowd, no questio

THE COURT: Mr. Schwartz?

MR. SCHWARTZ: No questions.

THE COURT: Mr. Leighton?

MR. LEIGHTON: No questions.

THE COURT: Mr. Panzer?

MR. PANZER: No questions, your Honor.

THE COURT: Mr. Siegel?

MR. SIEGEL: No questions, your Honor.

THE COURT: Mr. Murray Segal?

MR. SEGAL: No questions, your Honor.

THE COURT: Mr. King?

MR. KING: No questions, your Honor.

THE COURT: Do you have any questions, Mr. Phillips?

MR. PHILLIPS: Yes, your Honor, I do.

REDIRECT EXAMINATION

BY MR. O'BOYLE:

Q The reports, Sergeant O'Boyle, that counsel made reference to in cross examination, do they contain your personal observations or the personal observations of men working under your command?

A They contain the observations of investigators under my command.

Q And you signed those as a matter of course as far as your duties?

A Yes, I do.

Q Could you tell the jury what the purpose was of Stasi being released and the giving back to him of the box and the items.

MR. SIEGAL: Objection.

MRS. ROSNER: Objection.

THE COURT: I will sustain the objection.

Q Sergeant O'Boyle, can you estimate for us how many cases are solved every year by the New York City Police Department through fingerprint analysis?

MR. SIEGAL: Objection.

MRS. ROSNER: Objection.

MR. KING: Objection.

MR. PHILLIPS: Your Honor, counsel brought

this up on cross examination.

THE COURT: I am well aware of it.

Let's find out if the sergeant knows, to begin with.

Do you know, sergeant, how many cases are solved by fingerprint analysis by the New York City Police Department?

THE WITNESS: I don't know the exact number of cases, your Honor.

Q Can you estimate whether it is a lot, a few, some or many?

MR. ELLIS: Objection.

MRS. ROSNER: Objection, if your Honor please

THE COURT: I will sustain the objection.

Q Can you estimate the percentage of cases that are solved --

MR. SIEGAL: Objection.

MR. WARNER: Objection.

Q -- by fingerprint analysis?

MR. KING: Objection.

THE COURT: Same ruling.

MR. PHILLIPS: I have nothing further, your Honor.

One moment, if I may.

Q Sergeant O'Boyle, you mentioned that the results of the fingerprint analysis were negative. Could you tell us what this means?

A It means that the technician assigned at the police laboratory to conduct that analysis was unable to find any latent prints on the box.

Q That means any latent prints whatsoever?

A That's correct.

MR.PHILLIPS: Thank you.

THE COURT: Any recross?

BY THE COURT:

Q Sergeant, take a look, if you would, please, at 3504.

MR. PHILLIPS: It hasn't been formally been marked. May it be marked at this time, your Honor.

THE COURT: We might as well have the whole set marked.

(Government's Exhibits 3504 through 3506 marked for identification.)

Q Sergeant, take a look at 3504. You indicated before that your signature is on that document, is that correct?

Q That's correct, your Honor.

Q Is the signature of anybody else on the docu-

ment?

A Yes. The signature of Police Officer Gerald Sheehan.

THE COURT: All right. You may step down, sergeant.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: Call your next witness.

MR. PHILLIPS: The government calls Frank Stasi.

MR. LOPEZ: Your Honor, may I approach the bench with Mr. Phillips before the next witness is called?

THE COURT: Yes.

(At the side bar.)

MR. LOPEZ: Your Honor, the defense has specifically requested that in view of the fact that Frank Stasi is an important government witness that the seating arrangements for the defense be rearranged for the purpose of this witness. It is a housekeeping detail.

So my request to your Honor, if the court please, is that we have a five-minute recess so that we can rearrange the seating here so as to place those attorneys that will have to cross examine this witness and pay

more attention to his testimony than some of the others in a position where they will have a better view of confrontation in this matter.

THE COURT: Do you have any objection?

MR. PHILLIPS: No, your Honor.

THE COURT: All right.

(In open court.)

THE COURT: Ladies and gentlemen, we have a housekeeping detail that we have to take care of. Will you take about a five or seven-minute break right now so we can take care of our minor, but even though they are minor, important problems.

(The jury left the courtroom.)

THE COURT: I assume you can rearrange the furniture without a referee.

MR. LOPEZ: Right.

THE COURT: All right. We will take a short recess.

(Recess.)

(Jury present.)

THE COURT: Ladies and gentlemen, you may note that some of the counsel have moved around. That was the basic reason why we took that break.

I believe you just called Mr. Stasi, is that

correct?

MR. PHILLIPS: That's correct, your Honor. He is in the witness room.

THE COURT: He is in the witness room?

MR. PHILLIPS: Yes.

THE COURT: All right.

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F R A N K S T A S I, called as a witness by the government, being first duly sworn, testified as follows:

THE COURT: Mr. Stasi, would you sit by that little table and in responding to any questions please answer so that the microphone will pick up your answer and everybody can hear you.

MR. PHILLIPS: May I proceed, your Honor?

DIRECT EXAMINATION

BY MR. PHILLIPS:

Q Mr. Stasi, how old are you?

A Fifty-three.

Q Where were you born?

A Italy.

Q What part of Italy?

A Bari.

Q At what age did you move to this country?

A I was about a year old.

Q Did you come here with your parents?

A Yes.

Q Where didyou live?

A At 120th and Pleasant Avenue.

Q Here in Manhattan?

A In Manhattan, yes.

Q And what did your father do at that time?

A He had a grocery store at 117th Street and Pleasant Avenue.

Q How much education have you had, Mr. Stasi?

A Eight years of grammar school and two years of high school.

Q Did you leave school and take up some type of employment?

A Yes. I worked for my father.

Q In the grocery store?

A In the grocery store.

Q And how long did you work there?

A I would say about five or six years.

Q What did you do after that?

A After that I went into the service.

Q Did you receive an honorable discharge from the service?

A Yes, I did.

Q Do you recall what year?

A I went in in '41 and got out in '51.

Q Did you go to work after you got out of the service?

A I went to the post office.

Q And until when did you work at the post office?

A I think I went in '51 and got out in '63 -- 1963.

Q After you got out of the service in 1951 what did you do?

A I worked in my father's store.

Q Where did you work after you worked at the post office?

A I went to the docks, pier -- Pier 29.

Q Here in Manhattan?

A Yes.

Q How long did you work there?

A I would say four, four and a half years.

Q Until when?

A Until I got a heart attack.

Q Do you recall when that was?

A I would say in '69.

Q Did you work after that?

A No, I didn't.

Q Did you ever come to have employment at a place called the Beach Rose Social Club?

A Yes, I did.

Q Do you recall when you started working there?

A I would say around 1970.

Q Where is the Beach Rose Social Club located?

A Wilkinson and Westchester Avenue.

Q Where is that?

A In the Bronx.

Q What was your employment at the Beach Rose Social Club?

A I was a steward.

Q What were your duties?

A Well, if they was playing a game of cards I would serve them coffee or make them sandwiches and things like that.

Q Serve whom coffee and made who sandwiches?

A The players.

Q What else did you do, if anything?

A Well, run errands, park cars, whatever, outside.

Q Did you receive a salary?

A No.

Q Were you paid anything?

A I was paid on tips.

Q By whom?

A By the players.

Q Where were you living at that time?

A I was living at 1113 Vincent Avenue in the Bronx.

Q Had you previously lived on Pleasant Avenue?

A Yes, before that.

Q Now, Mr. Stasi, do you have a nickname?

A Yes. Boo-Boo.

Q Did people call you also the Boob?

A Yes.

Q Did they also call you Frankie Boo-Boo?

A Yes, they do.

Q Doyou know why they call you those names?

MR. SIEGAL: I object to that. It's immaterial.

THE COURT: I will permit it. Go ahead.

Q Do you know why they call you those names?

A Well, I don't know. When I was a young -- when I was a young boy I used to shoot dice, and every time I used to hit a pass they would bet me with my own money. I guess the name stuck with me.

Q Mr. Stasi, were you arrested in May of 1973?

A Yes, I was.

Q Do you recall who arrested you?

A The Police Department.

Q Do you recall what the agents or the officers or detectives' names were?

A Lieutentant Whelan and Sergeant O'Boyle.

Q Where were you arrested?

A Leaving the apartment at 1651 Williamsbridge Road.

Q At the time that you were arrested did you have anything in your possession?

A Yes, I did.

Q Could you tell us what you had?

A I had a box containing a sealer. I had scales, two scales, mannite, a mask, a little ring to hold the plastic bags, plastic bags and amask.

Q Did you have any strainers?

A Strainers. Three strainers.

Q Did you have any playing cards?

A And playing cards.

Q Were they regular cards?

A No, they were big cards. They weren't a regular deck of cards.

Q Where were these items when you were arrested?

A They were at some girl's, a name, by the name of Liz.

Q No, where --

MR. SIEGAL: I object to that, if your Honor please, as to "no."

THE COURT: What --

MR. SIEGAL: I object to the interruption of the answer and then the word "no" after it.

THE COURT: I didn't hear any "no."

Read back the last question and the last answer, please.

(Record read.)

THE COURT: There was a "no." All riht right.

Q Mr. Stasi, when you were actually placed under arrest, where were these items?

A In the trunk of my car.

Q Were you driving the car at the time?

A Yes, I was.

Q Mr. Stasi, I want to show you some items that have been marked for identification. Let me show you what has been marked Government's Exhibit 16 for identification. Can you tell us what that is?

A These are playing cards.

If your

MR. SIEGAL: If your Honor please, may I object at this time as not binding.

THE COURT: Yes, the objection is noted.

Q Mr. Stasi, are those playing cards similar to the ones that were inyour possession when you were arrested?

A Yes.

Q Let me show you what has been marked Government's Exhibit 11, 12 and 13 for identification. Can Can you tell us what those items are?

A Yes. I have two small strainers and a big strainer.

Q Similar to those strainers that I showed you?

A Yes, sir.

MR. PHILLIPS: May the outside box of this be marked Government's Exhibit 2A for identification.

(Government's Exhibit 2A was marked for identification.)

Q Mr. Stasi, I show you what has been marked Government's Exhibit 2A and 2 for identification. Can you identify those items?

A Can I take it ouy of the gox?

Q Sure.

A It's a scale.

Q Is that similar to the scale that was in the

trunk of your car, inside the box?

A Yes.

Q I show you what has been marked Government's Exhibit 15 for identification. Can you identify that?

A That's the mask. That's the mask.

Q I show you what has been marked Government's Exhibit 7 for identification. Will you tell us what that is?

A That's a sealer.

Q I show you what has been marked Government's Exhibit 9 for identification. Can you tell us what th is?

A These are the bags.

Q And what type of bags are those?

A To put heroin in.

Q I show you Government Exhibit 10 for identification. Can you tell us what that is?

A This would be the ring to put around the bags.

Q Mr. Stasi, was there some mannite in that box as well?

A Yes.

Q Do you know how much?

A I know it was four small boxes, cellophane.

Q Let me show you one more item. Government Exhibit 8 for identification and the item which is inside it, which I would like to have marked as Government's Exhibit 8A for identification.

A This is a small scale, which was never opened.

Q Would you put that on the side, Mr. Stasi.

By the way, Mr. Stasi, there's a glass of water on the table in front of you, if you ever want to drink from it.

Mr. Stasi, what are these items that you just told us about used for?

A For narcotics.

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Q Could you tell us specifically what you mean by "for narcotics"?

A Well, when you get pure heroin, you would mix it with the mannite, and then you would use them items.

MR. PHILLIPS: The government at this time offe the exhibits which were just identified by the witness.

MR. SIEGAL: I object to it.

MRS. ROSNER: I have an objection to it which I have addressed to the Court.

MR. FISHER: I have an objection on the grounds of relevancy.

THE COURT: Yes. I understand. Mark it as a Court's exhibit.

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(Court's Exhibit 22 marked for identification.)

MR. PHILLIPS: Your Honor, may I state for the record which --

THE COURT: No.

(Pause.)

THE COURT: All right. Now you can state it fo the record.

MR. PHILLIPS: May I state for the record which exhibits the government is offering?

THE COURT: Yes.

MR. PHILLIPS: We are offering Government's Exhibit 10 for identification, 9 for identification, 8 and 8-A for identification, 2 and 2-A for identificatin, 7 for identification, 16 for identification, 15 for identification and 11 and 12 and 13 for identification.

THE COURT: All right. I will assume that the objections of the defendants go to each and every one of those exhibits. The objections are overruled and the exhibits will be received.

MR. ELLIS: Your Honor, may I object on the further ground that the witness testified that these are similar to the ones that were in the car.

THE COURT: Mr. Ellis, please. The objections are overruled.

(Government's Exhibits 16, 11, 12,13, 2, 2-A, 7, 9, 10, 8, 8-A and 15 for identification received in evidence.)

MR. SIEGAL: If your Honor please, at this time may we have an instruction to the jury in connection with these exhibits?

THE COURT: Yes.

Do you recall me talking about something being admitted subject to connection. It occurred for the first time on Friday. These exhibits are also being taken

subject to connection. The same thing applies.

All right. Go ahead.

Q Mr. Stasi, while you were working at the Beach Rose Social Club, did you have occasion to see someone by the name of Louis Inglese there from time to time?

A Yes; I did.

Q By what name did you know him?

A Gigi.

Q How often did you see him there?

A Almost every day.

Q Do you see him in the courtroom today?

A Yes.

Q Will you point him out as to where he is sitting and what he is wearing?

A Behind the fellow with the glasses.

Q What is he wearing?

A A gray T top shirt.

DEFENDANT INGLESE: A sweatshirt.

MR. PHILLIPS: May the record reflect that the witness has correctly identified the defendant Inglese?

THE COURT: The record will so reflect.

Q Did you have occasion to see a person you knew by the name of Joe Crow at the Beach Rose Social Club from time to time?

A Yes; I did.

Q How often was he there?

A I would say about three or four times a week.

Q Did you know his real name?

A I knew him by "Joe Crow."

Q I show you what has been marked Government's Exhibit 1 in evidence. Do you see Mr. Crow in that photograph?

A No. 1.

THE COURT: I assume you did not have a chance to have that photograph duplicated?

MR. PHILLIPS: That's correct.

Q Do you know a person by the name of Finnegan?

A Yes; I do.

Q Do you know his full name, or his real name?

A I only know him by "Finnegan."

Q Did you have occasion to see him at the Beach Rose Social Club from time to time?

A Yes; I did.

Q Do you see him in the courtroom?

A Yes. Right there (indicating).

MR. FISHER: The identification is stipulated.

THE COURT: All right.

Q Mr. Stasi, I think you said that the Beach Rose

Social Club is located at the corner of Wilkinson Avenue and Westchester Avenue. Is there a subway or elevated train that runs nearby?

A Yes.

Q Where does it run?

A It's right opposite.

Q What is thename of it? Do you know?

A I would call it the Pelham Bay Line.

Q Is it the IRT?

A IRT.

Q Mr. Stasi, some time between the middle and en of 1970, did you have occasion to have a conversation wit Gigi Inglese regarding narcotics?

A Yes; I did.

Q Could you tell us where that conversation took place?

A At the Beach Rose Social Club.

Q Could you tell us what he said to you and what you said to him, to the best of your recollection?

MR. SIEGAL: Objection.

THE COURT: The objection is noted and that of all other defendants also.

Ladies and gentlemen, we talked about this also on Friday, takingsomething subject to connection. Right now, this involves a conversation between this witness and

the defendant Inglese, and we are going to take that subject to connection, again, as I told you last Friday, subject to connection laterin the trial.

Q Will youtell us what the conversation was with Gigi Inglese, that is, what he said to you and what you said to him, to the best of your recollection?

A I was at the Beach Rose Social Club. He told me, "Iwant to talk to you."

I said, "I'm marking score."

He says, "Don't worry about marking score. Finnegan will take care of you."

So he called me outside.

Q Did you have a conversation with him outside the club?

A Yes; I did.

Q And what was the conversation?

A He says to me, "I'm going to get some goods."

I says, "I don't know what you mean by that."

He says, "Well, I'm going to get some junk."

I says, "I don't know what you're talking about."

He says, "Well, Joe Crow is going to be here. He'll show you what to do. It's easy. You're going to work with him. Are you interested?"

Q Did you explain what "junk" meant?

A Well, he says, "Joe Crow will show you what t
do."

Q Did you agree to do it?

A Yes; I did.

Q Up to that point, had you ever had anything t
with narcotics?

A No.

Q Some time after that, did you have another co
versation with Gigi Inglese on the same subject?

A I would say about two or three days later.

MR. FISHER: If your Honor please, may I have
a continuing objection to this conversation?

THE COURT: Yes.

Q Could you tell us what was said on that occasion?

A Well, I was in the club, the Beach Rose Club. He called me on the side. He says to me, "Joe Crow is going to come down and you're going to go out to Jersey with Joe Crow."

Q What did you say?

A I said, "All right, I'll be around, I'm going to stay in the club."

Q And what occurred?

A Around 9 o'clock Joe Crow came, he stood in the club for a little while. Then he says to me, "Take a ride with me."

Q What did you do as a result of that?

A I got in the carwith him, went out to Jersey.

Q Do you know where in New Jersey you went to?

A Bloomfield.

Q Do you know where in Bloomfield you went?

A Well, his house.

Q Who drove?

A Joe Crow did.

Q Do you know where in Bloomfield his house is located or was located at that time?

A Well, I just had noticed the street, Dyker Court. I don't know the address.

Q What occurred after you arrived at Joe Crow's house?

A When I got to the apartment it was a little too early. He says, "Just stay around, let's watch TV for a little while."

So we watched TV. We reached -- it was I would say about 11.30. He says, "Let's go upstairs."

Q Where were you watching TV?

A Down in the basement.

Q Where did you go upstairs?

A To his apartment.

Q And what happened there?

A When we went upstairs he says to me, "Clean the table."

So he gave me -- I got a damp rag, I cleaned th table.

He went into the bedroom and he came out with mannite, he came out with a sealer, came out with a -- I would say a tube, like a thermometer, the bags and the strainer, a mask and the bags to put the heroin in.

Q Did he have any playing cards?

A And playing cards.

Q Did he have any scales?

A And scales.

Q Were they similar to the items that you just identified?

A Similar to them.

Q What did he do after he brought those items out?

A Well, after I had cleaned the table he brought a bag of mannite. That would be like what you would use for the garbage, you know, the big bags. I don't know how to describe it. That you would put in a pail for trash. Mannite was in there.

Q So what happened?

A Well, he put it on the table, spread it out on the table.

Q The mannite?

A The mannite. Then from there he came out of the bedroom with a briefcase with three kis of heroin.

Q What do you mean by a ki?

A Well, that's what we call it, three kis. That's kilograms.

Q What did he do with the three kis of heroin?

A Well, after that he got a machine with this here tubing, he heat it up a little bit, he took a little bit out of the bag, so he would test it, see how good it was.

Q Test which, the heroin or the mannite?

A The heroin.

Q How did he use the tubing to test the heroin?

A Well, he heated up a little thing and then he put a tubing on top of this machine.

Q How long was the tubing?

A I would say about this long.

Q About 18 inches?

A I guess so.

Q What did you do after that?

A Well, after that we got the playing cards. He cut the bag of heroin and put it into the mannite and we star mixing it up back and forth, you know, so it blended in a little bit. When that was done we put it on one side, pile it up like a pile of sand.

He got the strainers from the kitchen closet and he says, "Here's the strainer now." He got the spoon, showed me what to do. This side went to that side until it went through the strainers about six times.

Q What went through the strainers?

A The mannite and the heroin that was mixed together.

Q After it went through six times what did you do?

A After that was done he says to me, "Now get the bags ready, we're going to put it into the bags."

He says, "Try to get as close as you could" -- he showed me just what the amount would be like to get 16

ounces."

Q And what did you do?

A Well, that's what I did. I put them in the bag. I got the heroin that was mixed with the mannite into the bags.

Q What types of bags were they?

A They would be like Baggies, but a little heavier.

Q Like the bags that were in the trunk of your car when you were arrested?

A Yes.

Q What happened after you put it in the bags?

A Well, we put them in the bags, we made 12 halves.

Q What do you mean by 12 halves?

A 12 half-kis.

Q What did you do after that?

A Well, he put them on the scale after I had handed them to him, he sealed them with the sealer.

Q With the sealing machine?

A Yes.

Q What happened after that?

A Well, after that he says -- he told me, "Get a rag, clean the bags a little bit, because there is always a tendency that a little white powder, you know, gets over from the overflow when you put it into the bag."

Q So what did you do?

A Well, I got the bag, I got this here damp rag, cleaned the bag.

After we had did that he put it in the suitcase and left --

Q What did he put in the suitcase?

A The heroin.

Q All 12 half-kis?

A All 12 halves.

Q Then what happened?

A After he put them in the suitcase he laid them on the side.

Q Laid what on the side?

A The suitcase with the heroin.

Q I see.

A On the side, like in the kitchen, on the side.

Q Then what happened?

A Then after that he says, "Let's clean the apartment."

Then we went ahead and cleaned the apartment. I cleaned the table. I cleaned like wherever I would feel that this powder would get to.

Q What color powder was it?

A White powder.

Q How did you clean the apartment?

A With a damp rag.

Q What did you do after that?

A Well, then after that we stood around a little while. He says to me, "All right, take a ride with me."

He says, "I'm going to go and see my man."

Q Did you go with him?

A Yes, I did.

Q Where did you go?

A He dropped me off at a nearby restaurant.

Q What did he say before he dropped you off?

A Well, he says, "I'm going to leave you there. I should be back in about three-quarters of an hour. Have coffee or anything you want to have and I'll be back, I'll pick you up."

Q Did he come back in about three-quarters of an hour?

A I would say around that time.

Q And did he pick you up?

A Yes.

Q Did you have a conversation with him?

A He says, "Let's go look for Gigi."

Q Where did you go?

A We went to the club, the Beach Rose Club. It

was closed.

Q What time of day was this?

A I would say about 2 o'clock in the morning.

Q And after you found the Beach Rose Club closed what did you do?

A We went to the Blue Lounge.

Q What happened at the Blue Lounge?

A Well, when I got into the Blue Lounge Gigi was at the bar and he walked to the back with Joe Crow.

Q Did you hear what they said?

A No. I stood at the bar.

Q Did they tell you afterwards what they had talk about at the back of the bar?

A No. Then they come back to the bar, Joe Crow says, "I'll see you tomorrow," and Gigi says -- Joe Crow says, "The guy come up a little lame."

Q Who did he say that to?

A To Gigi.

Q Did you and Gigi after that have a conversation?

A Yes. We stood at the bar a little while, we had a couple of drinks.

He says to me, "You need any money?"

I says, "Yes, I could use a little something."

I got a hundred dollars.

Q He gave you a hundred dollars?

A Yes, for pocket money.

Q After that did you ever have occasion again to mix heroin and mannite at either Gigi's or Joe Crow's direction?

A I would say about three months later.

Q Between that time and the time that you were arrested in May of 1973 can you tell us all told how many times you did it?

A I would say about eight mixing sessions I had.

Q You mentioned something about three months later. What happened three months later?

A Well, three months later I was in the club, the social club. Gigi says to me, "Be available."

Q Is this the same social club, the Beach Rose Social Club?

A The Beach Rose Social Club. He says, "Be available because you're going to go with Finnegan out to Jersey."

Q What did you say?

A I says, "All right."

Q What happened after that?

A Well, it was about 9 o'clock, Finnegan came in, he told me, "Let's go out to Jersey." We drove my car out

to Jersey.

Q Where did you drive to in New Jersey?

A Joe Crow's house.

Q The same house?

A The same house, yes.

Q Was Joe Crow there when you arrived?

A No. We got there -- we were there before him.

Q What did you and Finnegan do after you arrived there?

A Well, we got into the basement apartment, stood there a little while.

Q What did you do?

A We watched TV.

Q Did Joe Crow arrive after a while?

A Joe Crow arrived I would say about a half-hour after we had got there.

Q What happened after Joe Crow arrived?

A When Joe Crow arrived he says, "You're here already?" He says, "It's a little early." He start watching TV with us.

Q What happened after that?

A Then we went upstairs to his apartment.

Q To what part of the apartment?

A The top floor.

Q What did you do there?

A When we got there we did almost the same thing we did -- I did the first time with him. He made us clean the table.

Q You said "us." You mean Finnegan and you?

A I mean Finnegan and myself. Joe Crow had went into the bedroom and he went and get, you know, the paraphernalia, the masks, the mannite, which was in block form at the time, and all the other paraphernalia.

Q Was the mannite in block form the first time you mixed --

A No, it wasn't.

MRS. ROSNER: Objection to the leading, your Honor.

THE COURT: All right. Try not to lead the witness. Go ahead.

He just testified that the mannite was in block form, that it wasn't that way the first time.

Q What form was it in the first time?

A Like what you had showed me, like that, what's in the box.

Q Was it in powder form?

A No. That's what I mean by block form.

Q I understand that. I am talking about the first

time.

A The first time it was in powder form, yes.

Q You mentioned a mask. Did anybody use the mask?

A Joe Crow did.

Q Did he use it the first time, had he used it the first time?

A Yes, he did.

Q What occurred this time, what did you and Finnegan and Joe Crow do after he brought out this material and the mannite?

A Well, we had cleaned the table. Then he brought out the mannite, which was in block form, and he says, "We got to go through the strainer, you know, we got to do it."

So Finnegan had said, "What are we going to do? We got to do this here? It's going to be a headache."

Joe Crow says, "Well, it's all in a day's work, we got to do it."

Q Do what?

A You know, get that into powder form.

Q Get the mannite into powder form?

A Powder form, yes.

Q What occurred after that?

A Well,he got the strainers out of the closet and we had --

MR. FISHER: Your Honor, who got the strainers, please.

THE WITNESS: I am sorry.

A Joe Crow got the strainers out of the closet and he brought -- you know,the kitchen closet.

Q What did you do after --

A After we got the strainers we got the blocks of mannite and we start rubbing it into the strainer so it would come out like powder.

Q After you got the mannite into powder form what did you do?

A Then Joe Crow went into the bedroom, come out with the suitcase with the three bags of heroin.

Q Was it the same amount as the first time?

A Yes.

Q What did you do after he brought it out?

A Well, when he brought it out he slit the bags, put it into -- mixed it in with the mannite, and Finnegan, myself and Joe Crow start, you know, with the cards, getting it mixed pretty good.

Q What happened after you mixed the mannite with the heroin?

A Well, after we had did that, mixed it up, you know, made a pile like a pile of sand, got the two strainers. Myself, Joe Crow and Finnegan made it go through the strainers back and forth about six times.

Q What did you do after that?

A When that was done we flattened it out, you know, and we got a card, a playing card, and, you know, flattened it out, so it would get like a piece of plaster. That meant that it was all right, meant that it was blended in pretty good.

Q What did you do then?

A Then after that, being that it was flattened out and it was like a piece of plaster, we made it like sand again, you know.

Q What did you use to get it back into the sand form again?

A Excuse me?

Q What did you use to get it back into the sand form?

A The cards. We mixed it up with the cards.

Q What did you do after you got it back into the sand form?

A After we done that we got the bags, plastic bags there, and I had put it in, you know, get it close to 16-1/2 ounces or 16, whatever you put in, Finnegan would weigh it and he would give it to Joe Crow to seal it.

Q And would Joe Crow seal it?

A Yes.

Q What happened after that?

A Well, then after that we made 12 halves, he put it on the side, you know, in the suitcase, and we cleaned up the apartment.

Q Let me ask you something. Did Joe Crow test the heroin with the thermometer or the tubing as he had done the first time?

A No, only the first time.

Q What happened after that, Mr. Stasi?

A Well, then after that we stood around. It was a little too early.

He says to me, "I'm going to take Finnegan with me to see my man and you go down to see Gigi, tell him that everything is all right."

Q What happened then?

A Well, they left, I left to look -- I went to the Bronx. I looked in the club. He wasn't there.

Q Were you in your car?

A In my car, yes.

Q Where did you go in the Bronx?

A I looked in the Beach Rose Social Club. The place was closed. I went to the Blue Lounge. Gigi was there.

Q What happened after you arrived?

A When I arrived he asked me, "How did everything go?"

I says, "All right. They went to see their man. They will be back."

Q Did you see Joe Crow and Finnegan later that evening?

A Yes, I did.

Q Where?

A In the Blue Lounge.

Q Did you have a conversation with them or did Gigi have a conversation with them?

A No. They walked into the back of the Blue Lounge, the three of them. I stood at the bar.

Q What happened after that?

A Well, then after that, a little while, Finnegan says, "See you tomorrow." Joe Crow just spoke for a little while. He says, "I'll see you around." And

Gigi and myself had a couple of drinks.

Q Did Gigi pay you a hundred dollars that night?

A I didn't get nothing.

Q Can you tell us the next time, if you recall, when you mixed heroin at either Gigi's direction or Joe Crow's direction?

A I would say about a couple of months later.

Q Could you tell us what happened?

A I was in the club --

MR. WARNER: Your Honor, may I ask for some specification on the date in this case? We are getting farther and farther away from the earlier approximation.

THE COURT: We will see what we can do.

Q Mr. Stasi, do you know the month that this next occasion which you are about to tell us --

A I couldn't say. All I know, I had mixing sessions between '70 and '71 and '72.

Q You are not able to specify the month?

A I couldn't tell you.

Q Now, wouldyou proceed and tell us what happened?

A Well, Gigi, when I was in the Beach Ros Social Club, he says to me, "We are going to use your apartment. Is it all right with you?"

I says, "All right."

He says, "But stay around. Joe Crow is going to come here."

Q What happened?

A Well, Joe Crow got there about 9 -- about 4 o'clock. We went out to Jersey.

Q Who went out to Jersey?

A Joe Crow and myself went out to Jersey.

Q Where did you go in this?

Q Some place in Bloomfield, in the area of Bloomfield. I don't know just where.

Q And what happened, what did you do when you went to the area ofbloomfield?

A When I went there he went to different stores to get a sealer, similar to what's over there, simila to what's there, a sealer in one store, went to another place and got a couple of strainers, he went to another store and he got masks, gloves, almost everything that's in that box.

Q Was it almost everything --

A Yes, but he went to different stores and get it.

Q Was it the same stuffthat was in your car when you were arrested?

A Yes.

Q After he purchased these items what did he do with them?

A Well, he put them into --they were in shopping bags. He put them in his car.

Q Then what happened?

A He says -- we went to the Bronx. I brought it to my apartment.

Q Your apartment is located where?

A 1113 Vincent Avenue.

Q Did you put these items in your apartment?

A Yes, I did.

Q Where in your apartment did you put them?

A In the kitchen pantry.

Q What happened after that, Mr. Stasi?

A A couple days later he had told me to go down on Pleasant Avenue.

Q Who told you?

A Gigi had told me to go to Pleasant Avenue and get some mannite.

Q Did you go to Pleasant Avenue to get some Mannite?

A Yes, I did.

Q Did Gigi tell you where to go on Pleasant Avenue, who you were to see?

A Well, he says, "There is a fellow by the name Joe Red down there."

I says, "I don't know who you are talking about

He says, "He's always in the barbershop."

So I felt I had an idea who he meant. So I nt down there, I went to the barbershop, I went to Joe Red. I says to him, "Gigi wants some mannite."

He had asked me --

Q Who had asked you?

A Joe Red had asked me, he says, "Do you have the money?"

I says, "No, I don't have no money."

"Well, how am I going to give it to you withou any money, because I got to give it to the fellow that I got to get it off?"

"Well, I can't give it to you. I'll let you know tomorrow."

Q What did you do then?

A I went to see Gigi. He says, "Go back tomorrow, tell h im not to worry about it, he will get paid."

Q Did you go back?

A I went back and he told me, "All right, I'll give it to you."

Q Who said that?

A Joe Red said, "I'll give it to you."

Q What happened after that?

A When I went there, to Pleasant Avenue, the barbershop, Joe Red said to me, "Give me the keys to your car." You know, I told him I need the mannite. Joe Red says to me, "Give em the keys to your car."

I says, "For what?"

He says, "I'm going to go get the mannite."

I says, "I can't give you the car."

He says, "Isn't it best that I do it that way instead of transport it from one car to another?"

So I agreed to that.

Q So what did you do?

A I gave him the keys to my car. He took the car, he says, "I'll be backin about an hour." He says, "You are going to hang around anyhow."

I says, "Yes."

Q Did you hang around?

A Yes, I did.

Q Where?

A I walked up and down Pleasant Avenue, went to the barbershop, went to the club above the Barone Bar.

Q Did Joe Red come back in about an hour?

A Yes, I would say about that time.

Q And what happened?

A Well, I seen him come in, I seen him walking on Pleasant Avenue from 119th Street. He went to the barbershop. I followed him in the barbershop and he told me, "Here's the keys to your car. Your car is parked 119th Street between First and Pleasant Avenue."

Q What did you do?

A I took the keys, went to my car, and took the mannite to the Bronx, to my apartment.

Q How was the mannite packed at that time?

A It was packed the way that is.

Q I show you what has been marked Government Exhibits 3, 4, 5 and 6 for identification.

You pointed to those packages, Mr. Stasi. Was the mannite packed similar to how it is packed there?

A Yes.

Q How much mannite was it?

A Well, $2000. They are supposed to be 500 each.

Q Did it come in four separate packages?

A The way it is here.

Q This particular person, Joe Red, do you see him in the courtroom?

A Yes. Right behind the fellow with the glasses

Q Could you tell us what he is wearing?

A He is wearing a blue jacket and a shirt. I can't make outthe color of the shirt.

Q Why don't you go over there, Mr. Stasi,and point him out more closely.

A Right there. It's like a brown shirt.

Q All right. Resume your seat.

MR. PHILLIPS: May the record reflect that the witness has correctly identified the defendant Joseph Ceriale.

MR. WARNER: I object to the use of the word "correctly."

THE COURT: It is over and done with. He is back on the stand. Go ahead.

Q Mr. Stasi, what did you do after you put the mannite in your house or your apartment?

A Well, I went to the Beach Rose Club and I told Gigi that I got the mannite.

Q What did he say?

A He says, "Okay, leave it there."

Q What happened after that?

A A couple of days later Gigi says to me in the Beach Rose Club, "We are going to use your apartment. Joe Crow" -- he says, "Take a ride. Before you get to

your house ride around, make sure that nobody is following you. Joe Crow will be there to meet you."

Q Did he tell you what time to go there?

A He says, "About 9 o'clock. But ride around a little while, you know, before you get to the apartment, make sure nobody is following you."

Q Did you go there at about that time?

A I got there about 9:15. I rode around a while.

Q What happened after you arrived at your apartment?

A After I arrived the buzzer downstairs rang and it was Joe Crow. He cqme up with the suitcase with heroin.

Q What did you do after --

A Well, I had everything already cleaned, the table, and I had taken everything out of the closet, getting ready, you know, because I know what we are going to do.

When Joe Crow comes up with the suitcase he put it on the side. He said, "You got everything ready?"

I says,"Yes, the table is clear, and now we got to do the rest."

Q What did you do at that point?

A At that point we got the mannite, which was in block form. We had to put it through the strainers. You know, we got everything out of the paper and it was caked like a bar of soap and we went through the strainers.

Q Both you and Joe Crow?

A Joe Crow and myself.

Q What happened after that?

A Well, after that was all flat, you know, after we had got it all through the strainer, he says -- he brought out the heroin out of the suitcase and we made a blend together, back and forth, with the cards, back and forth, you know, like mixing it up.

Then we made it go to one side, you know, piled it up on one side like a pile of sand, back and forth th through the strainers, so we would know when it got to about six times, then we knew it was all right, that it blended in pretty good.

Q Was this the same as what you had done out at Joe Crow's house?

A Yes, it's the same procedure.

Q What happened after that?

A Well, after that I put it into the bags. I made 12 halves out of it.

Q And did you seal the bags?

A He sealed the bags.

Q Who?

A Joe Crow.

Q With the sealing machine?

A With the sealing machine.

Q And what happened after that?

A Well, after that he put 10 halves in the suitcase and he says, "Leave two behind, put them some place." I put them in the closet, in my pantry closet.

Q Did he tell you why he wanted to leave two behind?

A No, he didn't. He says, "Leave them there."

Q What did he do after that?

A After he had put these 10 halves into the suitcase we started cleaning the apartment. Then after that he says to me, "Well, I am going to see my man. Tell Gigi that I will see him later."

Q Did you see Gigi?

A Yes, I went to the Blue Lounge, and Gigi was in the Blue Lounge.

Q Did you have a conversation with him?

A Yes,he says, "Everything taken care of?"

I says, "Yes, Joe Crow might come back or he might not."

Q Now, the two bags that you left in your house: what became of them, do you know?

A Well, the next day, I'm in the club. Gigi had told me --

Q Which club?

A The Beach Rose Social Club. He says to me, "Go and get a half and bring it to me."

Q So what did you do?

A So I went to the apartment. I rode around a little while. I went to the apartment and got this half a ki and put it in a brown paper bag that I keep up in the house and brought it to the Beach Rose Social Club.

Q Whom did you give it to?

A Well, when Gigi spotted me he walked into the kitchen at the Blue -- in the Beach Rose Social Club.

Q Did you go into the kitchen?

A I followed him there and I laid it on the table. Then I walked out of the kitchen, and some fellow by the name of Johnny Barnaba went into the back, and I seen him walk out with this bag under, you know, in his jacket.

MRS. ROSNER: Excuse me, your Honor. May we have an approximate time, if possible, for this episode?

THE COURT: Surely.

Q Do you know what time of day this was?

MRS. ROSNER: No, I mean month and year.

THE COURT: Start with the time of day. Do you know what time of day this was?

THE WITNESS: Yes, about 11 o'clock at night.

Q Do you know what month this occurred?

A I would say late '70.

Q You don't know the month?

A No, I don't know. I would say the year, late '70. I don't know what month it is.

Q How long had you known this person, Johnny Barnaba?

A Well, I knew him from when my people had

the store on Pleasant Avenue.

Q Do you know what happened to the other package that was in your house?

A Yes. The other half was -- Gigi had told me, "Go and get the other half and bring it to me."

Q Was this the same day or a different day?

A The same day. The same night.

Q What did you do?

A I went back to the apartment. I rode around and I got there I would say around 10 o'clock or so. When I got there, I put it in this here brown paper bag and brought it to the club. When Gigi seen me, he went into the kitchen. I followed him. I gave him the other half.

Q Did you see what happened after that?

A The other half, some fellow by the name -- they call Joe Cab came in and I give it to him.

THE COURT: Do you mind repeating the name? I lost it.

THE WITNESS: Joe Cab.

Q Do you know his real name?

A I don't know. I know him by the nickname.

Q And what did you see him do?

A Well, he went into the kitchen and he came out

with this brown paper bag I had put it in -- he had it under his arm.

Q Do you see this person Joe Cab in the courtroom?

A Yes. He is sitting right, with the brown suit, next to --

Q Next to whom?

A The fellow right there, next to Joe Red.

MR. PHILLIPS: May the record reflect the witness has identified the defendant Joseph Marchese.

Q Do you know what the next time was or how it came about that you mixed heroin and mannite at either Gigi's or Joe Crow's direction?

A It was always -- I couldn't tell you about the year, you know. I just knew about when the sessions I had. I would say about three months later.

Q And what occurred?

A I'm in the club. Gigi had said to me, "We are going to -- we are going to go to meet Joe Crow in Jersey."

Q And what did you say?

A I says, "All right."

Q Did he tell you what time you had to meet him there?

A He says, "You leave about 9 o'clock. You know what time it takes to get out there."

Q So what did you do?

A I went to Jersey and I met Joe Crow there.

Q Whereabouts?

A In Bloomfield, New Jersey.

Q At his house?

A At his house.

Q Did you go alone?

A Yes, I did.

Q Did you drive your own car?

A I drove my own car.

Q What happened after you arrived there?

A When I arrived there Joe Crow was there. We stood around a little while because it was a little too early. We went upstairs. You know, we hung around about half an hour in the basement.

Q What did you do after you went upstairs?

A Then when we went upstairs we mixed the heroin. He brought the suitcase out of the bedroom and the paraphernalia, the mannite, and we started mixing.

Q Did you do the same thing that you had done on the other occasions?

A Yes.

MR. SIEGAL: Could we know when, Judge?

MR. PHILLIPS: I think the witness has already testified, your Honor, he did not know when.

THE COURT: He said it was about three months later but he did not know when.

All right, go ahead.

Q Mr. Stasi, how much heroin was mixed on this occasion?

A Three kis.

Q Three kis of heroin with an equal amount of mannite?

A With an equal amount of mannite.

Q And after you finished, do you recall what happened?

A Well, after we finished, after we had did that, I put it into the bags, sealedit. He put it into the suitcase and he says to me, after that was over he says to me, "I am going to go meet my man. You go down and look for Gigi and tellhim everything is all right."

Q What did you do?

A I went to the Bronx and looked for Gigi. I went to the club first. The club was closed. I

went to the lounge, Blue Lounge.

Q And did you have a conversation with him?

A Yes. He had asked me, "Is everything all right?"

I says, "Yes."

We had a couple of drinks together and then after that he says to me, "What are you going to do?"

I says, "Well, I am going to go downtown some place."

Q And did you go downtown?

A Yes, I did.

Q Did you usually go downtown at night?

A That's what I used to do.

Q Where did you go downtown?

A I used to go down to the Mardi Gras and sometimes Bachelors Free.

Q Are these bars?

A These are bars and lounges, yes.

Q Can you tell us the next time that you had occasion to mix heroin with mannite at either Joe Crow's or Gigi's direction?

A I would say a couple of months later.

Q And again, can you tell us which month it was of which year?

A I couldn't tell you.

Q Can you tell us what happened, how it came about?

A Well, I'm in the club.

Q I take it you mean the same club?

A The Beach Rose Social Club. Gigihad said to me, "We are going to mix at your house."

I says, "That's all right with me."

So he says, "All right, Joe Crow is going to come and meet you. You get to the house, right around -- leave at 9 o'clock, get to the house. Right before you get there, see that nobody follows you."

Q What did you do?

A Well, I got into my car, rode around, see that nobody was following me. I would say about 9:15 or 9:30 I got to my apartment.

Q What happened after that?

A When I was upstairs, I got everything, I was preparing everything, getting things ready for Joe Crow to get there. Joe Crow had came, and he came with a suitcase with three kis of heroin.

Q And what happened after he arrived with the three kis of heroin?

A When he arrived he says, "Let's start" -- we had to get the mannite and let it go through the strainers,

similar to every time what I did before.

MR. FISHER: Your Honor, did he say where he got the mannite?

A (Continuing) The heroin with the mannite.

Q Where did you get the mannite?

A The same person.

Q Joe the Red?

A Yes.

Q Where did you meet him?

A At 117th Street, at the barbershop.

Q What happened on that occasion?

A When I went there, I told Joe, "I need mannite." The same procedure. I took my car. I gave him $2000.

Q Did anybody tell you to get the mannite?

A Gigi had told me to go down and get the mannite.

Q Did he give you any money?

A $2000.

MR. WARNER: No relationship has been set to the date of this meeting.

Q Mr. Stasi, was this before or after Joe Crow had come to the house with the --

A The mannite was bought before that.

Q All right. Tell us what happened at the buying of the mannite?

A When I bought the mannite I brought him $2000. He says to me, "Give me your car." I gave him the car. He says, "I will be back in about an hour." With that I gave him the keys. He came back in about an hour. He says the car was at 117th Street. I told him I had seen him pull down there.

Q Had you seen himpull down there?

A Yes.

Q What happened?

A Well, I followed him into the barbershop. I told him I seen the car was pulled down there. So he gave me the keys and I proceeded to 117th Street and got the car and proceeded to the Bronx.

Q What was in the car?

A The mannite.

Q The same amount as before?

A Yes, $2000.

Q What happened after that?

MR. PHILLIPS: Withdrawn.

Q Tell me what happened when Jeo Crow arrived.

A When Joe Crow arrived I had everything set. I took everything out of the pantry closet, this box that

the stuff was in and the strainers and the mannite and everything like that. I was getting it ready for him to come up. He rant the bell downstairs and he came upstairs with the three his.

Q What happened after he came up?

A When he came up we got these things the way they were now. We made it go through the strainer.

Q The mannite?

A The mannite, yes.

Q Was it in powder form or block form?

A Powder form.

Q What happened after that?

A Well, it went through the strainers, the mannite. We put the heroin into it, mixed it back and forth, similar to what we always do.

Q And did you put the combined mannite and heroin into the plastic bags?

A We put it into the plastic bags. He sealed it and put 10 into the suitcase and left two behind.

Q Did he tell you why he left two behind?

A No.

Q What happened after that?

A He says, "I am going to see my man. You go look for Gigi and tell him everything is all right."

Q Did you find Gigi?

A Yes.

Q Where was he?

A In the Blue Lounge.

Q And did you tell him everything was all right?

A I told him everything was all right.

Q What happened to the two bags that were left behind?

A Well, it was about 10 o'clock at night.

Q The same night?

A The same night. I was in the club. This Joe Cab had walked in. He says to me, "Where is Gigi?"

I says, "Why? Are you supposed to meet him?

He says, "Yes, I am supposed to meet him at 10 o'clock."

I said, "Well, if you have got to meet him he will be here."

He and I started playing cards for a little while. Gigi had came in. When he came in he told me, "Go get a half a ki at the apartment."

Q Now, Mr. Stasi, did this occur the same night with Joe Crow or another night?

A The next night.

MRS. ROSNER: Objection as asked and answered.

THE COURT: Overruled.

Q What did you do then?

A The next night I went to the apartment, brought it back and Gigi put it in the kitchen. Joe Crow walked in the kitchen and then walked out of the social club.

Q Did you see the bag?

A The bag was under his arm.

Q Do you know what happened to the other half k

A The other half, he told me to go to the apart ment.

Q Who told you?

A Gigi had told me to go to the apartment and bring the other half back.

Q Did he tell you the same night as the ki for Joe Crow?

A Yes.

Q What did you do?

A I went to the apartment, brought the half back. He says, to me, "Johnny Barnaba is in the car." He says, "Throw it into the car."

I says, "Where?"

He says, "Not too far from the club. Did y see the car there?" He says, "Look around, there's a

car right there." I didn't even know where it was.

Q What did you do?

A I said, "All right. I will bring it out." I went to the car and put it in the front seat.

Q Was anybody in the car?

A Johnny Barnaba.

Q Did you have any conversation with Johnny Barnaba?

A No, he just pulled away.

Q Where was the car parked at that time?

A I would say not too far, almost the next corner from where the club was.

Q Mr. Stasi, did there come a time when you st o stopped working at the Beach Rose Social Club?

A Yes.

Q Did you stop going there altogether?

A Yes.

Q Do you know when this was?

A I couldn't say.

Q Was it during the cold part of the year, the warm part of the year?

A It was the warm climate.

Q And do you recall the circumstances of your stopping going to the Beach Rose Social Club altogether?

A Yes, Gigi had come to me and says, "I think the club is hot." He says, "The track men, where the el is, told us that the place is being observed."

Q Did he say anything else that you recall at that time?

A Well, he says the track men told him -- he says, "For everybody's concern I think we should close the club."

Q Was the club then closed?

A It closed, yes.

Q Did you start going to some other place at that time?

A Yes, then we started going to Lopiccolo's.

Q Where is that located?

A On Westchester Avenue -- Roberts and Westchest Avenue.

Q Is that also a social club?

A That's an expresso shop.

Q What do you mean by expresso shop?

A Where they serve black coffee and play cards there also.

Q Now, did there ever come a time after going to Lopiccolo that you returned to the Beach Rose Social Club?

A Yes. Just for another occasion, because someone in the Blue Lounge had told Gigi that there was a bug --

MRS. ROSNER: I object to this, your Honor. "Someone."

MR. PHILLIPS: We aren't offering it for the truth of its contents, your Honor.

THE COURT: Yes, I understand that.

MRS. ROSNER: Then I move to strike the entire portion of the answer beginning with "because."

THE COURT: All right.

(Pause.)

THE COURT: No. I will admit it in.

Q Mr. Stasi, could you tell us the circumstances of your going back to the Beach Rose Social Club?

A Well, we were in the Blue Lounge. Gigi had says to me, he says someone told them that there was a bug in the club.

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Q So what happened as a result of that?

A Well, after that, Gigi and myself went to the social club. They had told him that something was in the closet. We went to the closet and broke it down and everything like that, looking for this thing that was supposed to be in the club.

Q To your knowledge, did you find it?

A No.

Q Incidentally, during this period of time, Mr. Stasi, did you ever have a conversation with Gigi or Finneg or Joe Crow or any of the people you talked about regarding people tailing you?

A Yes.

Q Would you tell us whom you had that conversation with or such a conversation?

A Well, Finnegan and Gigi always used to tell me that, you know, people tail me. I don't know if there's anybody behind me. He said, "One night we were tailing you. We were right behind you, and you didn't see us." I said, "I didn't see you." He said, "There you go. You don't look out to see if there's anybody following you."

Q Now, when you started to go to Lo Piccolo, the expresso coffee house, whom did you use to see there?

A We used to see Carmine Tramunti, Gigi, Finnegan. Joe Crow used to come there. Moe Lentini and other fellows that used to stay there and play cards.

Q How often did you see Carmine Tramunti there?

A He was there every day.

Q How often did you see Gigi there?

A Almost every day.

Q How about Finnegan?

A Finnegan also.

Q How about Joe Crow?

A Joe Crow not that often.

Q How about Moe Lentini?

A Moe Lentini not that often, either. I would say three or four times a week.

Q How often did you go there?

A I was there every day.

Q What hours would these people be there that you just mentioned?

A Oh, they would come in about one o'clock in the afternoon.

Q And stay for how long?

A Well, they used to leave about 6 o'clock to go home to have some dinner, and then they used to come back later at night.

Q You mentioned Carmine Tramunti. Do you see him in the courtroom?

A Yes.

Q Will you point him out, please?

MR. SIEGAL: Right behind me.

Q (Continuing) Would you point him out, please?

A Right there (indicating).

MR. PHILLIPS: Identifying the defendant Tramunt

Q Mr. Stasi, after you started going to Lo Piccolo did you have occasion to see Joe Red again?

A Yes; I did.

Q Would you tell us the circumstances?

A Well, Gigi had told me, he says, "Go down to see Joe Red and get some mannite," because we were probably --

Q Where were you when he told you this?

A This was at the Lo Piccolo.

MR. WARNER: Your Honor, what time, please?

Q Do you know what time of the day it was?

A The time,it was in the afternoon.

Q Do you know what month or year it was?

A I couldn't tell you.

Q What happened?

A He told me -- Gigi told me to go and get some mannite. I went down --

Q Did he give you any money?

A Yes. He gave me money.

Q How much?

A Two thousand.

Q So what did you do?

A I went to East Harlem, where Joe Red stays, and I said I wanted some mannite.

Q Where is that?

A 117th and Pleasant Avenue, 118th.

Q Where did you see Joe Red?

A In the barbershop.

Q And what was your conversation with him?

A Well, I told him I needed some mannite.

Q What did he say?

A He says, "All right. Give me the keys to your car. You're going to hang around."

That's what I did. I gave him the keys. I hung around. He came back about an hour later.

Q Then what happened?

A After he came back, he walked into the barbershop. I followed him, took the keys to my car. The car was parked at 119th Street near Pleasant Avenue.

Q What did you do?

A I took the car and drove to my apartment.

Q What did you do then?

A I put the mannite into my kitchen pantry.

Q Was the mannite in the same form as it was on the other occasion?

A The same form like this.

Q How was it when you first saw it in the trunk of your car?

A It was in that box.

Q It was in that particularbox there?

A Some form of box like that, yes.

Q What did you do with the mannite when you got back to your house?

A I put it into the pantry closet.

Q What did you do after that?

A I went and told Gigi that I got the mannite.

Q What did he say?

A He says, "Okay."

Q Can you tell us the next time that you had occasion to mix heroin at either Gigi's or Joe Crow's direction?

A I would say, always came around a few months later, something around that time.

Q What happened?

A Well, this time he says, "You got to go to Jersey

Q What did you say?

A I says, "All right."

He says, "You've got to meet Joe Crow."

Q When you say "he," whom are you referring to?

A Gigi says to me, "You're going to meet Joe Crow out in Jersey."

Q What happened?

A It was about 9 o'clock at night. I went to Jersey to meet Joe Crow.

Q How did you get there?

A With my car.

Q With the exception of the first time, did you always go out in your car?

A Yes.

Q How about the first time?

A The first time I went in Joe Crow's car.

Q Do you recall what kind of car it was that Joe Crow had?

A It's an Electra, brown Electra, Buick.

Q What license plates?

A I couldn't tell you.

Q Do you know what State?

A Jersey. Jersey plates.

Q Going back to this time, what occurred after you got out there?

A When we got out there --

Q Did you go with Joe Crow?

A No. When I got out there, I got to Jersey --

Q What happened?

A Joe Crow was waiting for me. He says, "Let's hang around a little while." And we hung around. He went to the garage, and he took the bag out of the trunk of the car.

Q What bag was that?

A The bag with the three kis of heroin in.

Q And what happened then?

A Then we went upstairs to the apartment, his upstairs apartment.

Q And what did you do upstairs in the apartment?

A When we went upstairs he brought out the mannit the scales, the mask, the sealer and the envelopes to put the heroin in.

Q And what did you do?

A Well, then we put the mannite -- the mannite wa in powder form at the time. We put it on the kitchen tabl and he brought out the suitcase. He brought it upstairs. He had it on the side. Then, after we put the mannite on the table, we put the heroin in there, mixed it back and forth with the cards so it would blend in pretty good.

Then we made it go through the strainers back and forth six times, you know, so it would mix in pretty good.

Q Was it always six times that you mixed it?

A Well, about that. That's the time it blends in pretty good.

Q What happened after that?

A After that, we put it into these here plastic bags, and I filled it up, tried to get it as close to 16 ounces, and if it was a little less, he would add; if it was a little more,he would take out, and he would put it on the scale. After he put it on the scale, he would seal it.

Q What occurred afterthe bags were sealed?

A After they were sealed, he would put them into the suitcase.

Q And then what happened?

A Well, first I would get the rag to clean it, so there would be no dust over it from the accumulation that would fall over when we put the heroin in.

Q So, basically, the same procedure as on the other occasions; is that correct?

A Yes.

Q Did you return to New York that night?

A Yes; I did.

Q Did you go back with Joe Crow?

A No. Joe Crow says, "I'll see you later. I'm going to meet my man."

Q What did you do?

A I went to the Blue Lounge, and I seen Gigi.

Q Did you have a conversation with Gigi that you recall?

A Yes. I told him that Joe Crow might come back or not. He wasn't sure.

Q Can you tell us, Mr. Stasi, the next time that you can recall that you had occasion to mix heroin and mannite at either Joe Crow's or Gigi's direction?

A I would say a couple of months later.

Q Are you able to give us the month or the year?

A I would say maybe around late '71, something like that. I'm not too sure of the year.

Q All right. So what occurred?

A Well,Gigi had says to me that -- you know, "Go to your apartment. Moe Lentini is going to come there He's going to mix with you."

Q Did he explain why Moe Lentini was going?

A He says, "I think Joe Crow is a little hot. We'll let Moe do it."

Q What happened?

A I went to the apartment. About half an hour late

Moe had come up. He says, "Where's Joe Crow?"

"He didn't come here yet."

So a little while later, Joe Crow came up, and he showed Moe Lentini what to do, because he's good with the thing. He knows what to do.

Q What did he tell him?

A How much to mix, so he knew, so it would be street level.

Q Then what did you do?

A I got the stuff out of the closet, the paraphernalia, the mannite, and we crushed it, like we always do, like previous times, and he had to show Moe Lentini what to do, and through that we had finished, and Joe Crow sealed it, and he says to me, he told Moe Lentini, "What are you going to do? I won't need you, but I'm going to take Frankie Boo Boo with me."

Q Who said that?

A Joe Crow said, "I'm going to take Frankie Boo Boo with me."

Q What did Lentini say?

A He said, "All right. If you don't need me, I'm going to see my girl."

Q What did you do after that?

A After we had left, I went downstairs to see that

nobody was around. He got into his car, and I got into my car. He says to me, "Ride down close to the Mardi Gras. You know where the Mardi Gras is."

Q Who told you that?

A Joe Crow.

Q What did you do?

A I had the bag in my trunk.

Q What was in it?

A The three kis of heroin.

Q Had it been mixed with the mannite?

A Yes.

Q How many bags were there?

A 12. 12 half-kis.

Q Was that always the same amount everytime?

A Always the same amount.

Q Where did you drive to?

A To the Mardi Gras.

Q Where is that located?

A Located on 49th Street and Seventh Avenue.

Q What time of day was it?

A This was at night.

Q Well, was it in the morning hours or the late evening hours?

A I would say around one o'clock in the morning.

Q What did you do after you arrived there?

A I went first. He followed me. I went with my car. He tailed me with his car.

Q "He" being --

A Joe Crow.

Q What happened after you got there?

A When we got near the Mardi Gras, half-way away from the Mardi Gras, I took the suitcase and put it in the trunk. I said, "Do you want me to tell Gigi anything?" He said, "You don't have to."

I said, "Then I'm going to stay down here."

He said, "There's no reason for you to go back."

Q Where did you go?

A I went to the Mardi Gras, because it was right near there.

Q Were any of the bags left in your house on this occasion?

A No.

Q Can you tell us the next time that you had occasion to mix narcotics, that is, heroin and mannite, either at Joe Crow's or Gigi's direction?

A I can't pinpoint the year or anything like that. I could say a little while, a couple of months later.

Q Would you tell us what happened?

A Well, Gigi had said to me, "We're going to mix" I had to go downtown and get the mannite.

Q Who said that?

A Gigi says, "Go downtown and get some mannite."

Q What did you do?

A I went downtown to get some mannite off Joe Red

Q Did he give you any money?

A Yes. $2000.

Q Did you meet him at the same place?

A Yes. In the barbershop at 117th Street.

Q Was it the same procedure that you went through to get the mannite?

A Yes.

Q And did you get the same amount?

A The same amount. 2000 all the time.

Q What did you do with that mannite?

A Well, that time I took it to my apartment and put it in the pantry closet.

Q What happened after that?

A He says to me --

Q Who said?

A Gigi says to me -- this is the next day -- he told me, you know, "Go to the house, because Joe Crow is going to meet you."

Q Who told you to go to the house?

A Gigi.

Q All right. So what did you do?

A I went to the house, and Joe Crow met me, and Moe was there also. He came up before Joe Crow had got there.

Q Moe Lentini?

A Moe Lentini.

Q What happened after that?

A When we got up there, he told -- Joe Crow says to Lentini, "You know what to do. I'm going to leave. You two, you know what to do, now."

He told Moe, "I showed you what to do. You know how to mix."

I says, "All right." So we mixed, and back and forth. After it was done, he says to me, he says, "You let Boo Boo come and tell me when it's done."

Q Who said that?

A Joe Crow told Moe.

Q What happened after that?

A After we did the mixing session, you know, that we mixed back and forth, it was all done,I went to Lo Piccolo, and I told Joe Crow, "Everything is taken care of."

Q Where was the narcotics at that point?

A It was left at my apartment.

Q Where was Moe at that point?

A Moe says, "I'm going to see my girl. You don't need me. You've just got to go see Joe Crow and tell him what happened."

Q And where did you see Joe Crow?

A At the Lo Piccolo's.

Q What did you tell him?

A I told him that everything is ready. He says, "All right. Let it stay there a while. You go to the house and I'll be there in a little while."

Q What happened after that?

A When I got to the apartment, Joe Crow came in. He put it into his car. He walked down with it, down, you know, from my apartment.

Q And was it in a suitcase or anything?

A A suitcase.

Q What happened after that? Do you know where he went?

A Well, he says, "I'm going to go see my man."

Q Did you go with him?

A No; I didn't.

Q What did you do?

A I went to the club to look for Gigi. He wasn't there.

MR. KING: Your Honor, I think one of the jurors is asleep.

THE COURT: All right. We have been sitting through without a break today. Let's break early today.

All right, ladies and gentlemen, the marshal will escort you from the courtroom. Please don't discuss this case. Keep an open mind.

All right. Go ahead. Leave with the marshals.

(The juryroom left the courtroom.)

THE COURT: All right. Marshall, will you take the witness out.

(The witness left the courtroom.)

MR. FISHER: If your Honor please, in behalf of the defendant Finnegan, I would respectfully move -- did I say Finnegan?

MRS. ROSNER: Yes; you did.

THE COURT: It has been a long day. Do you want to take ten minutes?

MR. FISHER: No. I would like the record first to reflect that Juror No. 12 has been in a dazing-like position for much of the day.

Second, if your Honor please, I would move to

exclude Juror No. 12 for cause and place Alternate No. 1 in her stead.

MRS. ROSNER: I join in that application, your Honor.

THE COURT: Does anybody else join?

MR. ELLIS: Yes.

MR. SIEGAL: I join.

THE COURT: Let's put it the other way, to make sure that everyone has a chance to be heard.

Is there anyone who doesn't join in that application?

MR. CURRAN: I do not.

MR. PANZER: I oppose it.

THE COURT: Mr. Panzer, you oppose it. All right.

Are there any other applications that we are supposed to take up this afternoon? Mr. Ellis?

MR. ELLIS: I would just like to state on the record that I spoke to Marshal Guiliani, and we have worked out aprocedure.

THE COURT: If it is agreeable with you and him it is all right with me.

MR. FISHER: On the question of when Stasi's cross-examination will commence, your Honor, I have been

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working diligently, I represent to your Honor, since the tapes came into my possession. I represent that if I am to ready to cross-examine, I will be up literally the entire night.

THE COURT: I got it from Mr. Phillips that he expects Mr. Stasi to be on the stand most of the day tomorrow.

MR. PHILLIPS: No, your Honor. Mr. Stasi's direct examination should be completed one hour after we commence tomorrow.

THE COURT: All right.

MR. FISHER: If I have to stay up all night -- and I certainly hope I do not -- then I will, but if your Honor will be kind enough to rule now, I would certainly appreciate it. Iwill be much better able to defend Mr. Christiano awake, or else I will be like Juror No. 12.

MR. WARNER: Your Honor, I would like to make the further application: it won't do me any good to stay all night, because I am not going tohave the transcripts that I need in order to conduct my cross-examination. So I join in Mr. Fisher's application.

THE COURT: Yes. I understand. All right.

Now, I would like to take ten minutes for myself. Nobody else seems to want to.

MR. ENGEL: Your Honor, those transcripts a
due from the Xeroxer and ought to be here now. We wil
check to see if they are going to be ready this afterno

THE COURT: Can I still take my ten-minute break?

MRS. ROSNER: I have a problem, your Honor. I have to be before Judge Wyatt at 4.30, at a pretrial conference, which I missed last week when I had openings here, and I almost wound up in the cell block behind Jud Wyatt's courtroom.

I think I had better go today.

THE COURT: In order for me to make a ruling, I will have to have a little time. You can always say it was the elevators. Everybody else does.

THE COURT: The only thing we have to do right now is determine what to do with the cross examination of Stasi. I intend that the cross examination will begin after a short break after his direct. However -- it seems like I do all kinds of things in an unusual way -- should there be an application by any defense counsel for further cross examination even out of order, such applciations I assure you will be freely granted. In other words, supposing you come up and you want to cross examine further even after redirect. I would suspect that unless it be outrageous I would not restrict you in the normal ways. You understand?

Mrs. Rosner, if you run and have luck, you might make it to Judge Wyatt by 4:30. Everybody else, I will see you tomorrow morning at 10 o'clock.

I understand, Mr. Curran, that you object to the excusing of Juror No. 12, is that correct?

MR. CURRAN: Yes, your Honor. On this record, certainly I do.

THE COURT: Yes, I understand that.

MR. PHILLIPS: One thing, if I may, your Honor. I would like to hand up to the court or give to your Honor's clerk some letters that were written by Mr. Stasi while he was incarcerated during

the period of time of June and July of 1973. They are short letters. There are approximately eight or nine in number. We submit that these are not 3500 material.

THE COURT: I will have to take a look at them. Let me have them.

MR. CURRAN: Your Honor, one other item. I gather from what your Honor has recently said that you have designated or agreed with Mr. Ellis to des-ignate him as a censor laborum.

THE COURT: For those of you who were not classic scholars, that means the guy who cuts up the newspapers.

MR. CURRAN: And I understand the marshal is participating in that. My application would be, your Honor --

THE COURT: If you want someone from your staff to participate that is fine by me.

MR. CURRAN: Thank you, sir.

THE COURT: Actually, if you read the order it is very broad.

Yes, Mr. King?

MR. KING: Is it possible for your Honor to give us a ruling on your thinking on Juror 12 being re-

placed.

THE COURT: No. I will think about it right now.

MR. FISHER: If your Honor please, as you review the recent submission of Mr. Phillips, the letters from Stasi, I hope your Honor will bear in mind not only 3500 but Brady, Napue, a Second Circuit case, Brawer, which reads, I would suggest, Brady, in terms of evidence or information relating to the credibility of the government's witness, and most respectfully, your Honor, United States against Pacelli, in which there was a reversal because the government failed to disclose a letter between its witness and an assistant United States attorney in which the relationship between the two is thoroughly set out.

THE COURT: All right. See you at 10 o'clock tomorrow.

(Adjourned to January 31, 1974, at 10:00 a.m.)

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